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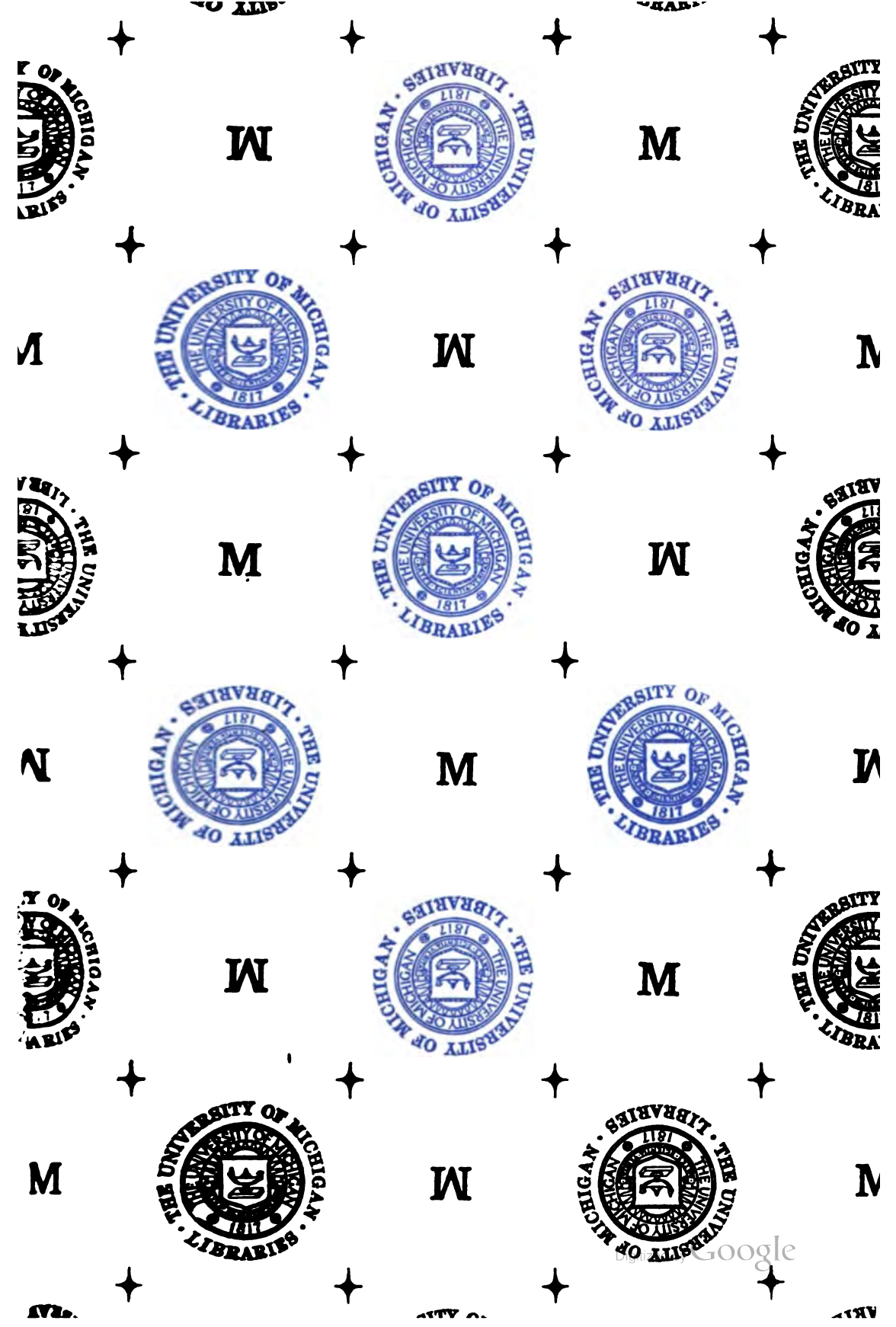
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LOCAL ACTS
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THE LEGISLATURE
OF THE
STATE OF MICHIGAN

PASSED AT THE
REGULAR SESSION OF 1891
WITH AN APPENDIX



BY AUTHORITY

LANSING
ROBERT SMITH & CO., STATE PRINTERS AND BINDERS
1891

LOCAL ACTS
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NOTE.—The words and sentences inclosed in brackets in the following acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

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LOCAL ACTS, 1891.

[No. 201.]

AN ACT to amend chapter one of act number forty-eight of the session laws of one thousand eight hundred eighty-two, entitled "An act to reincorporate the city of Manistee," approved March 15, 1882.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That chapter one of act number forty-eight of the session laws of one thousand eight hundred eighty-two, entitled "An act to reincorporate the city of Manistee," approved March 15, 1882, be and the same is hereby amended to read as follows:

CHAPTER I.

CITY AND WARD LIMITS.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.
That so much of the county of Manistee as is included in the following descriptions, to wit: That portion of section one west of Manistee lake; entire sections two, ten, eleven and twelve; lots two and three of section thirteen, all in town twenty-one north, of range seventeen west; also lot seven of section eighteen, town twenty-one north, of range sixteen west; also all that portion of Manistee lake lying eastward of and adjoining said lands, and within fifty rods of the west shore of said lake, shall be and the same is hereby set off from the townships of Filer and Manistee, and organized and incorporated into a city by the name of the city of Manistee.

SEC. 2. The said city shall be divided into seven wards. Divided into wards.
The first ward shall include all that portion of said city described as follows: Lots two, three, four and five, of section one, lots one and two and the northeast one-fourth of the southeast one-fourth of section two and lot five of section twelve; the First ward.
second ward shall include all that portion of said city lying south of the Manistee river and west of the section line running between sections eleven and twelve; the third ward shall Second ward.
include all that portion of said city described as follows: Lot six of section one and lot one of section twelve; the fourth ward Third ward.
shall include all that portion of said city described as follows: Lot four of section twelve, lots two and three of section Fourth ward.

Fifth ward. thirteen and lot seven of section eighteen; the fifth ward shall include all that portion of said city described as follows: Lots three and four and the south half of southeast one-fourth of section two and lots one and two of section eleven; the sixth ward shall include all that portion of said city described as follows: Lot two and the southwest one-fourth of northwest one-fourth of section twelve; the seventh ward shall include all that portion of said city described as follows: Lot three and the southwest one-fourth of section twelve.

No election until next annual election. SEC. 3. No election of [aldermen] alderman or ward officers shall be held in any new ward hereby established or any ward on account of the changes in the boundaries thereof made hereby previous to the next annual city election, nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change made hereby in such ward, but any alderman or other officer shall, during the remainder of his term, continue in office and shall represent the ward including the place of his residence, unless the office become vacant from some other cause.

Present officers to hold. SEC. 4. In any ward where it shall be necessary to elect two aldermen at the same time, one of them shall be elected for one year and one for two years, and the term of each shall be designated on the ballots.

This act is ordered to take immediate effect.

Approved February 2, 1891.

[No. 202.]

AN ACT to amend chapter sixteen, by adding one section thereto, to stand as section three; sections seven and sixteen of chapter twenty-five, and sections two and twelve of chapter twenty-six, of act number three hundred and thirty-three of the session laws of one thousand eight hundred [and] eighty-nine, entitled "An act to incorporate the city of Cheboygan, and to repeal an act entitled 'An act to reincorporate the village of Cheboygan, in the county of Cheboygan,' approved March twenty-seventh, one thousand eight hundred seventy-seven," approved March thirteenth, one thousand eight hundred and eighty-nine.

Act amended. SECTION 1. *The People of the State of Michigan enact,* That chapter sixteen, by adding one section thereto to stand as section three; sections seven and sixteen of chapter twenty-five, and sections two and twelve of chapter twenty-six, of act number three hundred and thirty-three of the session laws of eighteen hundred and eighty-nine, entitled "An act to incorporate the city of Cheboygan and to repeal an act entitled 'An act to reincorporate the village of Cheboygan, in the county of Cheboygan,' approved March twenty-seventh, one thousand eight hundred and seventy-seven," approved March thirteenth,

one thousand eight hundred and eighty-nine, be amended so as to read as follows:

CHAPTER XVI.

POUNDS.

SEC. 3. When any person is injured or damaged in his land ^{Pounds, etc.} or property within the city of Cheboygan, by horses, asses, mules, swine, sheep, goats or neat cattle, he may distrain the beast or beasts doing the damage; and thereupon the same proceedings shall be had as near as may be, and with like effect as is provided in and by chapter two hundred and eighty-nine of Howell's Annotated Statutes of the State of Michigan, relative to "distraining and replevining beasts," and the provisions of said chapter with reference to distraining beasts for doing damage shall apply to said city: *Provided,* ^{Proviso.} This section shall only apply to cases where beasts shall be distrained for doing damage, and has no reference to the impounding of animals running at large contrary to the provisions of any ordinance of said city.

CHAPTER XXV.

ASSESSMENT AND COLLECTION OF TAXES.

SEC. 7. Upon receiving the several city tax rolls as hereinbefore provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him for collection and that the taxes therein levied can be paid to him upon any of the days fixed and designated as hereinafter provided, and within thirty [days] day from the date of the warrant (giving the date of the warrant or the day of the expiration of the said thirty days), with one per cent charges for collection; but four per cent collection fees will be charged and collected upon all taxes remaining unpaid at the expiration of said thirty days. Said notice shall be given by publishing the same at least twice in one or more of the newspapers of the city. It shall be the duty of the treasurer to be and remain at his office, in the city hall in said city, on every Friday during said thirty days, and also on every day, except Sundays, during the last fourteen days of the said thirty days, from nine o'clock in the morning until four o'clock in the afternoon, except during the hour from twelve to one, and there receive payment of all such taxes as may be offered him; and he shall be required to receive on any other days all such taxes as may be tendered him. In the notice to be given as aforesaid he shall state the days and time when, and the place where he will receive taxes as hereinbefore provided. The neglect or failure on the part of the treasurer to give such notice shall in no wise impair the legality of the tax rolls nor of the taxes levied therein. The percentage for collection fees herein provided ^{Taxes, assessment and collection of.} ^{Duty of treasurer.}

for and collected by him shall be retained by such treasurer as compensation for his services as treasurer.

Treasurer to
give notice, etc.

SEC. 16. Upon receiving the several ward tax rolls as above provided, the city treasurer shall give notice immediately to the taxpayers of the city that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office upon any of the days fixed and designated as hereinafter provided, and before the first day of January then next, with one per cent charges for collection; but that four per cent collection fees will be charged and collected upon all taxes remaining unpaid on said first day of January. Said notice shall be given by publishing the same at least twice in one or more of the newspapers of the city. It shall be the duty of the treasurer to be and remain at his office in the city hall in said city, on every Friday during the month of December, and also on every day, except Sunday, during the last fourteen days of said month of December, from nine o'clock in the morning until four o'clock in the afternoon, except during the hour from twelve to one, and there receive payment of all such taxes as may be offered him; and he shall be required to receive on any other days all such taxes as may be tendered him. In the notice to be given as aforesaid he shall state the days and time when, and the place where he will receive taxes as hereinbefore provided. The neglect or failure on the part of the treasurer to give such notice, shall in no wise impair the legality of the tax rolls nor of the taxes levied therein. The percentages for collection fees herein provided for and collected by him shall be retained by such treasurer as compensation for his services as treasurer.

CHAPTER XXVI.

EDUCATION.

Board of
education.

Election, term
of, etc.

SEC. 2. Two trustees residing in and elected from each of the wards of said city shall constitute the board of education of said city. The trustees heretofore elected shall hold their office during the term for which they were respectively elected, and until their successors shall be elected and qualified. On the first Monday of May, 1891, and on the first Monday in May in each year thereafter, at seven o'clock P. M., or as soon thereafter as may be, there shall be elected in and from each of the wards of said city, and at such place therein as shall be designated by the board of education, one member of said board of education for the term of two years, and until his successor is elected and qualified; such election shall be by ballot in the same manner as at meetings for the election of officers in graded school districts in this State. The board of education shall, at least ten days prior to the time prescribed for holding such election, as well as any special election appointed and called for the purpose of voting upon the question of raising money by tax or loan, fix and

determine the place in each ward where such election shall be held. The secretary of the board of education shall give at least ten days' notice of such election, and the time and places where the same is to be held, by causing a notice thereof to be published in at least one of the newspapers published in said city, or by causing such notice to be posted in three public places in each of said wards. The two trustees residing in each ward shall be the inspectors of election in and for their respective wards. In case either or both of such trustees shall fail to be present at any election, then in such case the qualified electors present shall fill the vacancy from among their number. The inspectors shall conduct the proceedings at such election conformable, as near as may be, to the law in relation to the election of officers in graded school districts in this State. The inspectors shall, on the same or following day, certify to the board of education the result of such election, stating in such certificate the whole number of votes cast and the number given for each candidate, and also for and against any proposition voted upon at any special election. On the Wednesday next following any election the board of education shall convene at their usual place of meeting and canvass the votes, and determine the result of such election upon each question and proposition voted upon, and what persons were duly elected at such election; and within five days thereafter the secretary of the board shall notify such persons of their election. The board of education shall have power to fill any vacancies that may occur in their number until the next annual meeting. They shall elect from their own number, annually, at such time as they shall designate, a president, secretary and treasurer of the board, who shall be the treasurer of said school district. They shall meet, from time to time, as they may determine, for the transaction of business, and shall keep a record of all their proceedings.

Notice to be given.

Inspectors of election.

To certify result.

Canvass of votes.

Vacancies.

Officers.

SEC. 12. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections, such sum, not exceeding one per cent of the taxable valuation of the property in the city for the preceding year may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors of the district voting upon the question at any special election appointed and called by the board for the purpose of voting thereon. Notice of the time when and the place where in each ward, such election will be held, and the object of any such election, shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in ten public places in each of the wards of said city at least ten days before the election.

Additional sums of money, how raised.

This act is ordered to take immediate effect.
Approved February 16, 1891.

[No. 203.]

AN ACT to authorize the county of Bay to raise money to aid in building a bridge across the Saginaw river.

Amount to be raised.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the county of Bay to raise by loan the sum of thirty thousand dollars to aid in the building of a bridge across the Saginaw river from the foot of Belinda street in Bay City, said county, to a point on the west bank of said river, as nearly opposite the foot of said Belinda street as practicable; but no such money shall be raised or loan made unless the same shall be authorized by a vote of the electors of said county of Bay voting thereon at the annual spring election or at a general election or at a special election called for that purpose.

Must be authorized by vote of electors.

Duty of supervisors.

SEC. 2. The board of supervisors of said county shall, if it is determined by said board to raise said sum of thirty thousand dollars by loan, so determine the same by resolution, wherein they shall set forth the proposed terms and conditions of said loan and the manner of submitting the question of making said loan to the electors of said county.

Notice of election.

SEC. 3. Notice of said election shall be given, said election shall be held, returns made and votes canvassed in the same manner as provided in sections 490, 491 and 492 of Howell's Statutes for the State of Michigan for the year 1882.

Supervisors to issue bonds.

SEC. 4. If said loan shall be authorized by a vote of the electors of said county at any such election, the board of supervisors may order issued the bonds of said county to secure the payment of such loan and interest thereon, and the said board of supervisors shall levy taxes upon said county of Bay for the payment of said loan and interest, as the same may fall due in the manner provided by law.

Money to be turned over to bridge commission.

SEC. 5. The money raised by said loan shall, by the board of supervisors of said Bay county, be turned over to the Bay county bridge commission, to be expended under the provisions of act number 278, local acts of the State of Michigan for the year 1889, as amended, entitled "An act to establish a bridge district in Bay county and to provide for the appointment and election of commissioners and for the construction, care and maintenance of bridges therein."

This act is ordered to take immediate effect.

Approved February 18, 1891.

[No. 204.]

AN ACT to reincorporate the village of Oxford, in the county of Oakland, Michigan.

Territory reincorporated.

SECTION 1. *The People of the State of Michigan enact,* That all those tracts or parcels of land situated in the township of

Oxford, county of Oakland, and State of Michigan, known and described as follows, to wit: Beginning at the northwest corner of section twenty-seven, running thence west as far as the west line of the burying ground, thence north to the northwest corner of said burying ground, thence east sixty-three rods; thence to the north line of the south half of the south half of section twenty-two; thence east along said line to the east line of said section; thence east forty rods; thence south to the south line of the north half of section twenty-six; thence west along said line forty rods to the west line of said section; thence west along the quarter section line of section twenty-seven to a point where the west line of Dennison's subdivision of the village of Oxford continued south, would intersect said point; thence north to and along said west line of Dennison's subdivision continued to a point in the north line of section twenty-seven; thence west to the place of beginning, be and the same are hereby reincorporated as a village under the name of the village of Oxford.

SEC. 2. The said village of Oxford is hereby made sub- Subject to general law.
ject to the provisions of act number sixty-two of the laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April 1, 1875, as now or hereafter amended and shall possess all the rights and powers and shall be subject to all the duties and liabilities prescribed in said last named act except as otherwise in this act provided.

The present officers of said village shall continue in office Present officers to continue in office.
with the same powers and duties as are conferred by this act and said general act number sixty-two upon like officers until their successors shall be elected and qualified in accordance with the provisions of this act and the said general laws.

SEC. 3. The first election under this act shall be held on First election.
the second Monday in March, A. D. 1891, at the village council room in said village of Oxford, at which time there shall be elected three trustees for the term of two years and also a village president, a village clerk, a village treasurer, a village street commissioner, a village assessor, and a constable, each for the term of one year.

SEC. 4. Notice of the time and place of the holding of Notice of, to be given.
said election and of the officers to be elected and the time and place of the meeting of the board of registration for said election shall be given by the village clerk of the present village at least eight days before such first election by posting such notice in three public places in said village. The president of the present village of Oxford and the three trustees of said village whose term of office will first expire shall constitute the inspectors of said election and the board of registration therefor. Inspectors of election, etc.
Said board of registration shall meet on the Saturday previous to the day of holding said first election at the village council rooms in said village at nine o'clock in the forenoon of said day for the purpose of completing the list of qualified voters of said village and registering the same and shall remain in session until five o'clock in the afternoon of said day, except that they

Powers of.

may adjourn for one hour at noon for dinner. In such proceedings said board of registration shall have the same powers and proceed in the same manner and conform to the same rules as near as may be, as is now provided for boards of registration in townships in this State and the registering of electors in such townships. Said inspectors of election in conducting said first election shall have the same powers and shall conform to the same rules and shall proceed in the same manner as is provided for succeeding elections by chapter three of said general act sixty-two of the session laws of eighteen hundred and seventy-five.

Ordinances to remain in force.

SEC. 5. All the ordinances, orders, by-laws and resolutions of said present village of Oxford in force at the time this act takes effect, not in conflict with this act or said general act sixty-two of the session laws of eighteen hundred and seventy-five as amended, are hereby continued in force until the same shall be changed or repealed according to law; and [the] said village of Oxford as hereby reincorporated shall possess all the property and rights of said present village, and shall have full power and authority to collect and enforce under the provisions of this act and said general law all taxes that have been legally levied and all debts, claims and demands that shall have accrued or become due to said present village at the time this act shall take effect. Said reincorporated village shall be the successor of and subject to all the debts, liabilities and obligations of said present village of Oxford.

In case first election not held, etc.

SEC. 6. In case the said first election shall not for any reason be held at the time named in this act therefor the same may be held at any time within one year from that time on notice being given as provided by this act.

When suit to be in name of village.

SEC. 7. Whenever the marshal of said village shall be authorized under the provisions of said general act number sixty-two to bring suit for the recovery of any tax, such suit, when authorized by a vote of the village council of said village to be begun, may be brought in the name and at the expense of said village and in such case all costs that shall be recovered of any defendant in such suit shall belong to the said village.

This act is ordered to take immediate effect.

Approved February 20, 1891.

[No. 205.]

AN ACT to extend the time for the collection of taxes in the township of Mussey, in the county of St. Clair, for the year 1890.

Taxes, time for collection extended.

SECTION 1. *The People of the State of Michigan enact,* That the time for the collection of taxes in the township of Mussey, in the county of St. Clair, for the year one thousand eight hundred ninety, shall be and the same is hereby extended

until the twentieth day of March, one thousand eight hundred [and] ninety-one.

SEC. 2. The township treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could in the lifetime of his warrant, and to make his return to the county treasurer, at any time before the twentieth day of March, one thousand eight hundred [and] ninety-one, and said warrant is hereby revived, and continued in full force and virtue until said time. Power of treasurer to collect, etc.

SEC. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected, during the life-time of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the county treasurer. Duty of treasurer relating to money collected, etc.

SEC. 4. A transcript of all unpaid taxes, returnable to the county treasurer, in pursuance of the foregoing provisions, shall by him be returnable to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner and with interest computed from the same time as other taxes, for the year one thousand eight hundred [and] ninety, duly returned to the Auditor General for non-payment. Transcript of unpaid taxes. Manner of collecting.

This act is ordered to take immediate effect.

Approved February 26, 1891.

[No. 206.]

AN ACT to detach certain territory from the township of Ellis in the county of Cheboygan, and attach the same to the township of Nunda, in said county.

SECTION 1. *The People of the State of Michigan enact,* That surveyed township number thirty-three north, range one west, and now forming a part of the township of Ellis, in the county of Cheboygan, be and the same is hereby detached from the said township of Ellis, and attached to and made a part of the township of Nunda in said county. Territory detached.

This act is ordered to take immediate effect.

Approved February 27, 1891.

[No. 207.]

AN ACT to authorize the village of Union City in the county of Branch to raise money to make public improvements in said village, to issue bonds therefor and to provide for the levy of taxes therein to pay the same.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the village of Union City, in the county of Branch, to borrow money on the faith and credit of Authority to borrow.

said village, and to issue bonds therefor in an amount not to exceed six thousand dollars, which shall be expended in making public improvements in said village of Union City.

Duty of common council.

SEC. 2. The common council of said village, on presentation of a written request, signed by not less than fifteen taxpaying electors of said village, in which request shall be set forth the amount of money sought to be raised, and the rate of interest to be paid on any bonds or other obligations to be issued by said village, and the time and manner of payment of the same, and the purpose for which said money is sought to be raised, shall call a meeting of the qualified electors of such village, for the purpose expressed in such request, by giving at least ten days' notice of the time and place of holding such meeting, by posting written or printed notices in five of the most public places in said village, and by publishing the same at least once in each of the newspapers published in said village; which notice shall be signed by the clerk of said village and shall state the purpose of said meeting.

Vote to be by ballot.

SEC. 3. At such meeting so called the questions to be submitted to the electors shall be only those expressed in the notice calling such meeting. The vote of such meeting shall be by ballot written or printed or partly written and printed. And those who vote in the affirmative shall vote a ballot inscribed: For the loan—Yes; and those who vote in the negative shall vote a ballot inscribed: For the loan—No. The meeting shall be conducted in the same manner as the annual elections of said village and the proceedings and result shall be reported by the board of inspectors and filed in the office of the clerk of said village in the same manner and with the like effect as the proceedings and result of the said annual elections.

Duty of president and clerk.

SEC. 4. If such loan shall be authorized by two-thirds of the votes cast at such meeting, it shall be the duty of the president and clerk of said village under the direction of the common council thereof to do and perform all the acts necessary to carry into effect the determination of said meeting.

Council to levy and collect tax.

SEC. 5. It shall be the duty of the common council of said village to levy and collect from time to time from the taxable property and inhabitants of said village in the same manner as other taxes for village purposes are assessed and collected, such sums of money as shall be authorized in the manner provided in this act, and such sums from time to time as shall be necessary to pay the principal and interest falling due upon any bond or obligation issued in pursuance of this act, and to apply the same to the payment thereof: *Provided*, That the amount to be raised by tax to pay such bonds and the interest thereon in said village in any one year, shall not exceed one per cent at any time on the assessed valuation of the taxable property thereof.

Proviso.

Bonds not to be sold at less than par.

SEC. 6. No bond or other obligation issued by said village under the provisions of this act shall be sold or negotiated at less than par value or bear a greater rate of interest than six per cent per annum or run a longer time than twelve years.

SEC. 7. All money received by said village under the provisions of this act shall be kept in a separate fund to be drawn therefrom as provided in section five. To be a separate fund.

This act is ordered to take immediate effect.

Approved February 28, 1891.

[No. 208.]

AN ACT to detach certain territory from the townships of Grand Rapids, Paris, Wyoming and Walker, in the county of Kent, and to annex the same to the city of Grand Rapids.

SECTION 1. *The People of the State of Michigan enact,* Territory detached from townships and annexed to city.
That the following district of country, contiguous to the city of Grand Rapids, be and the same is hereby detached from the townships of Grand Rapids, Paris, Wyoming, and Walker, in the county of Kent, and annexed to the city of Grand Rapids, and embraced within the corporate limits of said city, viz.: The west half of section twenty, and the entire of sections twenty-nine and thirty-two, all in township number seven north, of range number eleven west, being in the township of Grand Rapids; the entire of section number six and the entire of section number five in township number six north, of range number eleven west, being in the township of Paris; also the entire of section number one in township number six north, of range number twelve west, being in the township of Wyoming; also so much of the west half of section number thirty-five in township number seven north, of range number twelve west, as lies northerly of Grand river, and so much of said Grand river as lies within the east and west lines of said west half of said section thirty-five, extended across said river; also the west half of sections twenty-six and twenty-three, and the southwest quarter of section fourteen, and the south half of northeast one-fourth of section fourteen, all in township seven north, of range twelve west, being in the township of Walker; and the south half of the north half of section thirteen, all in township seven north of range twelve west, being in the townships of Walker and Grand Rapids; also the south half of [the] northwest quarter of section eighteen and the south half of the northeast quarter of section eighteen, in township seven north of range eleven west, being in the township of Grand Rapids; also so much of Grand river as is embraced in, and which runs through the territory above described, and hereby annexed to said city.

SEC. 2. The territory herein described, and hereby annexed to said city, with its inhabitants, shall be subject to all laws, ordinances and regulations, which shall at any time be in force in said city, and shall in all respects be subject to its municipal government, as an integral portion thereof, and liable to assessment and taxation as such, and shall cease to be subject to the regulations, or government, of the townships named in the pre- Subject to laws, ordinances, etc., of city.

Proviso.	ceding section of this act, respectively: <i>Provided, however,</i> That the annexation of said territory shall not be held to interfere with, or prevent, the levying, collection, or disposition, by said townships, of any tax levied or assessed upon any lands lying within said annexed territory for the year one thousand eight hundred ninety, or previous years, for State, county, school, highway, or township purposes: <i>And provided further,</i> That the lands and property within said annexed territory shall be listed, valued, and equalized for assessment and taxation, for city and all lawful purposes, under the assessment laws of the State and the charter of the city, at the time, and in the manner provided for by said laws and the charter of said city, in the year one thousand eight hundred and ninety-one, and each year thereafter and the taxes and assessments thereon shall be levied, collected, accounted for and returned at the times and in the manner provided by such laws, and the charter of said city.
Additional proviso.	
Ordinances, etc., of city to apply.	SEC. 3. All the provisions of the charter of the city of Grand Rapids as they now exist, and all amendments thereof hereafter made, shall apply to said annexed territory the same as to all other territory within its bounds.
Shall form part of school district.	SEC. 4. Said annexed territory shall form a portion of the school district of the city of Grand Rapids, and all public schools thereon, and all school property shall be under the direction and control of the board of education of the city of Grand Rapids; and the said board of education shall have the same authority, jurisdiction, and powers over said territory, schools, and school property, as is given it by law throughout the limits of the city of Grand Rapids, and the indebtedness of school districts wholly included in said annexed territory shall be paid by the said board of education of the city of Grand Rapids. Power and authority is hereby given to said board of education and the school inspectors of either of said townships, to determine what sum should equitably be apportioned to that part of any school district on said annexed territory, whose bounds extend beyond the limits of said annexed territory for its interest in any school property existing on said annexed territory, and acquired by said board of education, under the provisions of this act. And if any sum shall be found to be equitably due therefor to such school district, said board of education is hereby authorized and required to adjust and pay for the same, and raise the amount thereof in the manner provided by law, for the erection of school houses and the purchase of land for school purposes, in said city of Grand Rapids.
Power and authority of board of education.	
First ward.	SEC. 5. All that part of said annexed territory lying east of Grand river and west of the center of South Division street, in said city of Grand Rapids, extended across said annexed territory, is hereby annexed to, and shall form a part of the first ward of said city. All that part of said annexed territory lying between the center lines of Fulton street and Lyon street, in said city, extended [eastwardly] easterly across said annexed terri-
Second ward.	

tory, is hereby annexed to, and shall form a part of the second ward of said city. All that part of said annexed territory lying Third ward. between the center lines of Fulton street and Wealthy avenue, in said city, extended across said annexed territory, is hereby annexed to, and shall form a part of the third ward of said city. All that part of said annexed territory lying between the center Fourth ward. lines of Lyon street and Fairbanks street, in said city, extended east across said annexed territory, is hereby annexed to, and shall form a part of the fourth ward of said city. All that part Fifth ward. of said annexed territory lying east of the center of Grand river, and north of Fairbanks street, in said city, extended west to the center of Grand river, and eastwardly to the present city limits, and across said annexed territory, is hereby annexed to, and shall form a part of the fifth ward of said city. All that Sixth ward. part of said annexed territory lying west of the center of Grand river, and north of the center line of Seventh street, in said city, and of said center line extended eastwardly to the center of Grand river, and westwardly to the present city limits and across said annexed territory, is hereby annexed to, and shall Seventh ward. form a part of the sixth ward of said city. All that part of said annexed territory lying west of the center of Grand river, and south of the center line of Seventh street, in said city, extended eastwardly to the center of Grand river, and westwardly to the city limits and across said annexed territory, and between said center line thus extended and the center line of West Bridge street, in said city, extended across said annexed territory, is hereby annexed to, and shall form a part of the seventh ward of said city. All that part of said annexed territory lying Eighth ward. between the center lines of West Bridge street and Shawmut avenue, in said city, extended west to the city limits and across said annexed territory, is hereby annexed to, and shall form a part of the eighth ward of said city. All that part of said Ninth ward. annexed territory lying south of the center line of Shawmut avenue, in said city, and of that line extended across said annexed territory, and west of the center of Grand river, is hereby annexed to, and shall form a part of the ninth ward of said city. All that part of said annexed territory lying Tenth ward. south of the center line of Wealthy avenue, in said city, extended east across said annexed territory, and east of the center line of East street, in said city, south of the center line of Hall street extended east across said annexed territory and east of the center line of Division street extended south across said annexed territory, is hereby annexed to, and shall form a part of the tenth ward of said city.

SEC. 6. The common council of the city of Grand Rapids Election districts. are authorized to divide the aforesaid annexed territory into convenient election precincts or to add the same or any portion thereof to the present election precincts of the wards of the city respectively at any time before the notice of the meeting of the board of registration of said city for the charter [election] elections of the year one thousand eight hundred ninety-one.

This act is ordered to take immediate effect.

Approved March 5, 1891.

[No. 209.]

AN ACT to incorporate the public schools of the township of Munising in the county of Alger.

Territory
incorporated,
etc.

SECTION 1. *The People of the State of Michigan enact,* That the territory embraced in the township of Munising, in the county of Alger, be and the same is hereby organized, enacted and declared to be a single school district which shall be a body corporate by the name and style of the "Public schools of the township of Munising," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of the State relative to corporations so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which relating to common or primary schools shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act, and all schools organized in said district in pursuance of this act, under the directions and regulations of said board of education shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years inclusive, and to such other persons as the board of education shall admit: *Provided,* That whenever the majority of electors in any surveyed township in said township of Munising shall petition the board of education to establish a school district therein, the said board of education are hereby authorized and directed within three months thereafter to set apart and organize the same as a separate school district.

Proviso.

Officers, etc.

SEC. 2. The officers of said district shall consist of two trustees, who, together with the clerk and school inspector of said township, shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township of Munising upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided,* That at the annual election to be held in said township in the year eighteen hundred and ninety-one, there shall be elected two trustees for said district by the electors thereof, one of whom shall hold his office for the term of one year, and the other one for the term of two years, and until their successors shall be elected and qualified, and the time for which it is intended that the person voted for shall hold his office shall be designated on the ballot, and at each election thereafter to be held, one trustee shall be elected in said district, who shall hold his office for the term of two years, and until his successor shall be elected and qualified, said trustee to be designated on the ticket or ballot for "Member of board of education."

Proviso.

Notice to persons
elected,
etc.

SEC. 3. Within five days after the annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of

office prescribed by the constitution of this State, before any officer authorized to administer oaths, and file the same with the township clerk. The term of office of the trustee of said district shall commence on the second Monday following the annual township election at which they are elected. Term.

SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk and organize. The school inspector of the township whose term of office will soonest expire shall be president of the board and shall be entitled to vote in all cases. In the absence of the president at any meeting a majority of the members present may choose one of their own number president *pro tem*. The township clerk of said township of Munising shall be *ex officio* clerk of said board of education, and shall be entitled to vote thereon, and in the case of the absence of said clerk the board may choose some suitable person to perform his duties. Said board shall on said third Monday of April in each year elect from their own number a treasurer, who shall hold his office for one year and until his successor is elected and qualified, and may at any time fill a vacancy in the office of treasurer: *Provided*, That the person appointed to fill a vacancy in the office of treasurer shall only hold the office for the unexpired portion of the term. The treasurer of the said board shall, within five days after his appointment as such treasurer, file with the clerk of said board the constitutional oath of office. He shall also before entering upon the duties of his office give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president. Meetings,
duties, etc.

Provided.

SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board. Vacancies.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meeting of said board shall be held on the third Monday of April, August, December and March in each year, and no notice of such meeting shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president or any two members thereof in writing delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time Quorum,
meetings, etc.

of receiving such request by said clerk. All [the] meetings of said board shall be held at the township clerk's office, unless otherwise ordered by resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any taxpayer of said district.

To be board
of school in-
spectors, etc.

SEC. 7. The said board shall be the board of school inspection for said district, and shall as such report to the clerk of the county of Alger, and shall have all the powers and perform all the duties now enjoined upon and performed by the board of school inspectors of the township of Munising, and the president of said board shall perform all the duties now performed by the chairman of the board of school inspectors of Munising township. And the board of school inspectors is hereby abolished except as its powers are vested in said board of education.

To purchase
school house
site, etc.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school house site, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers, as designated by law, so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to the length of time schools shall be kept, which shall not be less than three months in each year, relative to the employment of teachers duly and legally qualified, relative to the regulation of schools and the books to be used therein: *Provided*, That none of these regulations shall conflict with the laws of this State and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of a thorough education of the children thereof. It shall be the duty of said board to apply for and receive from the county treasurer or other officer holding the same, all moneys appropriated for primary schools and district library of said district.

Proviso.

Electors to de-
termine amount
of tax.

SEC. 9. At each annual township meeting held in said township of Munising the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: *Provided*, That in case the electors at any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of Munising township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and for erecting school houses, no

Proviso.

Idem.

greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

SEC. 10. All taxes assessed within said township of Munising for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes. Tax in separate column.

SEC. 11. The treasurer of the township of Munising shall at any time, at the written request of said board of education, report to said clerk the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board. Report of treasurer.

SEC. 12. The said board shall, annually, on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board or in his absence by the clerk thereof to the electors of [the] said township of Munising at their annual meeting on the first Monday of April thereafter, at the hour of twelve o'clock noon. Statement of board.

SEC. 13. All school property, both real and personal, within the limits of the township of Munising shall, by force of this act, become the property of the public schools of the township of Munising, hereby organized, and all debts and liabilities of the primary school district of said township of Munising, as they existed prior to the taking effect of this act shall become the debts and liabilities of said public schools of the township of Munising. School property.

SEC. 14. All money raised or being raised by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this State, shall hereby become the money of the public schools of the township of Munising, and no tax now ordered assessed or levied for school purposes in said township, or other proceedings, shall be invalidated or affected by means of this act. Of moneys.

SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk and treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding fifty dollars each per annum. Compensation.

SEC. 16. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, Division of district into townships, etc.

Alteration of
districts.

the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township.

This act is ordered to take immediate effect.

Approved March 11, 1891.

[No. 210.]

AN ACT to incorporate the city of Clare in the county of Clare and to repeal act number four hundred four of the local acts of one thousand eight hundred seventy-nine, entitled "An act to incorporate the village of Clare in the county of Clare and all other acts relating to said village of Clare."

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all that tract of country situated in the county of Clare and State of Michigan, and designated as follows, viz.: The southwest quarter of the southeast quarter, and the south half of the southwest quarter of section twenty-six; the south half of the southeast quarter, and the southeast quarter of the southwest quarter of section twenty-seven; the east three-fourths of section thirty-four and the west three-fourths of section thirty-five, all in town seventeen north, of range four west, be and the same is hereby constituted a city corporate under the name of the city of Clare.

BODY CORPORATE.

Corporate name
and powers.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Clare, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatever, and may have a common seal, and by the same name shall be and are hereby made capable of purchasing

holding, conveying, and disposing of any real or personal estate for said city; but when any suit shall be commenced against said corporation, the same shall be commenced by summons, an attest copy of which shall be served upon the mayor of the city: *Provided*, That in case such summons, for any reason cannot be served upon the mayor, it may be served upon any one of the aldermen; but such summons shall in all cases be served at least six days previous to the time of appearance mentioned therein.

SEC. 3. The said city for the time being shall be divided into three wards. The first ward shall embrace all the territory in said city lying south of the right of way of the Flint & Pere Marquette Railroad and all that portion of the territory of said city north of said railroad and south of the center line of Third street, produced east to the east line of said city. The second ward shall embrace all the territory in said city lying north of first ward as aforesaid and east of the center line of McEwan street. The third ward shall embrace all the territory in said city lying north of first ward as aforesaid and west of the center line of McEwan street.

SEC. 4. In the city incorporated under this act there shall be the following officers, viz.: One mayor, one treasurer, one clerk, and two justices of the peace, who shall be elected by the qualified voters of the whole city voting in their respective wards.

SEC. 5. There shall be the following ward officers, viz.: One supervisor, two aldermen, and one constable, who shall be elected by the qualified voters of the respective wards.

SEC. 6. The following officers shall be appointed by the city council, viz.: A city attorney, a city marshal, a city surveyor, a chief engineer of the fire department, a health officer, who shall be a physician and surgeon, a fire warden, a pound master and a street commissioner. The council may also, from time to time, provide by ordinance for the appointment of, and appoint, for such term as may be provided in the ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

SEC. 7. Appointments to office by the council, except the appointments to fill vacancies, shall be made on the first Tuesday of May in each year, but appointments which for any cause shall not be made on that day may be made at any regular meeting of the council.

SEC. 8. The mayor, treasurer, clerk, supervisors and constables shall be elected annually at the annual city election provided for in this act, and shall hold their respective offices for the term of one year from the first Monday in April of the year when elected, and until their successors are elected and qualified to enter upon the duties of their offices: *Provided*, That no person shall be eligible to election of the office of city

Wards.

First ward.

Second ward.

Third ward.

General officers.

Ward officers.

Appointed officers.

Other appointees.

Duties to be prescribed by council.

Appointments when to be made.

Officers, when elected.

Term of office.

Treasurer not eligible to election for more than two terms.

Aldermen, when elected and term of office. treasurer for more than two consecutive years. One alderman shall be elected from each ward annually, at such city election for the term of two years from the first Monday in April of the year when elected, and until his successor is elected and qualified and enters upon the discharge of his duties except as hereinafter provided. One justice of the peace shall be elected each alternate year at such city election for the term of four years from the fourth day of July next after his election, except as hereinafter provided.

Justice of the peace, when elected and term of office.

Aldermen, number from each ward.

Terms of.

Terms to be designated on ballots.

Justices of the peace number to be elected. Terms.

Terms to be designated on ballots.

Other officers.

Terms of.

Justices, when to enter upon their duties of office.

Other officers to enter upon their duties immediately upon taking oath.

Vacancies of justice, how filled.

Present justices to exercise jurisdiction.

SEC. 9. At the first election to be held in said city on the first Monday in April, A. D. one thousand eight hundred and ninety-one as provided in this act, there shall be elected two aldermen from each ward, one for the term of one year and one for the term of two years, who shall hold their offices respectively until their successors shall be elected and qualified, and the term for which each is elected shall be designated upon the ballots cast for him.

SEC. 10. At such first election there shall be elected two justices of the peace, who shall hold their offices, one for the term of two years and one for the term of four years from the fourth day of July next after their election. The term for which each is elected shall be designated upon the ballots cast for him. The justices of the peace elected at said first election shall enter upon the duties of their office on the fourth day of July next after their election.

SEC. 11. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Tuesday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or in the ordinance creating the office.

SEC. 12. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices on the fourth day of July next after their election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security, if any required, for the performance of the duties of the office. Vacancies in the offices of justices of the peace may be filled at any annual election in the city, and the justices of the peace so elected shall serve during the remainder of the unexpired term. The present justices of the peace of the township of Grant shall continue to exercise jurisdiction over the territory embraced in said city until the fourth day of July, one thousand eight hundred and ninety-one.

DAY OF ELECTION.

First election, when held.

Subsequent elections.

SEC. 13. The first annual election for said city and ward officers under this act shall take place on the first Monday in April, in the year one thousand eight hundred and ninety-one, and an election shall be held on the first Monday in April

annually thereafter; and all officers now holding office in said village of Clare shall continue to hold their respective offices in and for the said city of Clare until their successors are elected and qualified. Said first election shall be held at the following places in each ward: First ward at the hose house. Second ward at the town hall. Third ward at the store building on McEwan street, owned by Martha Bogardus, and now vacant. All subsequent elections shall be held at such place in each ward as the city council of said city shall designate and it shall be the duty of the city clerk to give at least five days' notice of the time and place of holding said elections by causing the same to be published in a newspaper printed in said city.

First election,
where held.

Subsequent
elections, council
to designate,
Clerk to give
notice.

SEC. 14. The aldermen, supervisors and constables shall be resident electors of the wards in which they were elected, for the term that they shall hold office.

Officers to be
residents of
wards in which
elected.

SEC. 15. The inhabitants of said city who are electors at State elections shall be electors at said city election, and perjury may be assigned where they swear falsely that they are inhabitants of said city and electors under the constitution and laws of the State of Michigan.

Electors, who
are.

SEC. 16. All elections held by virtue of this act shall be conducted the same as general elections in townships, and the polls thereof opened and closed at the same hour. The inspectors of election in each ward for all elections after the first shall be composed of the supervisor, who shall be chairman thereof, and the aldermen of each ward, together with a clerk to be appointed by such supervisor and the aldermen, who shall be duly sworn by either of said inspectors or by any justice of the peace or notary public, to faithfully perform the duties of such clerk. In case any of the inspectors of election shall fail to attend at any election, those present shall appoint from the electors of the ward suitable persons to take the place of those not present, and in case all of them fail to attend, their places shall be supplied by the electors present from their number, and those so appointed shall be sworn to faithfully perform the duties of such inspectors. The inspectors of election for the several wards for the first election held by virtue of this act shall be appointed by the common council of the village of Clare, and in case such council fails to appoint, or those appointed fail to attend then such inspectors shall be appointed by the electors of each ward present at such election, and the inspectors so appointed either by the common council or the electors shall be sworn to faithfully perform the duties of such inspectors, which oath shall be administered by either of said inspectors duly qualified or by any justice of the peace or notary public.

Elections, how
conducted.

Inspectors of.

Clerks.

Inspectors of first
election.

SEC. 17. Each ward shall be an election district by itself, and the supervisor and aldermen of each ward shall constitute the board of registration therein for all elections both general and charter, except the first election to be held by virtue of this act. On the Saturday next preceding the general election,

Election districts.
Board of regis-
tration.

When in session. and on the Saturday next preceding the regular city election, or any special election, the several boards of registration for the city except as in this act otherwise provided, shall be in session at such places in their several wards as shall be designated, as hereinafter provided, from eight o'clock in the forenoon until five o'clock in the afternoon for the purpose of completing the list of qualified voters, during which session it shall be the right of each and every person then actually residing in the ward and who at the next approaching election may be a qualified elector and whose name is not already registered to have his name entered in the register.

Council to fix place of meeting of board of registration.

Clerk to give notice.

SEC. 18. At least two weeks previous to the commencement of any such session of the several boards of registration, the council of the city shall fix the place in each of the wards of the city where the board of registration will meet and at least eight days before such session of the board, the city clerk shall give notice by hand bills posted in five public places in each ward and by publication in one or more newspapers printed in the city, of the time and place in each ward, when and where the board of registration for such ward will meet. And except as in this act otherwise provided, the general laws of this State relating to the registration of electors in cities, shall apply to the registration of electors in the city incorporated under this act.

Registration board, for first election.

To be sworn before entering upon duty.

Township clerk to furnish list of registered voters.

Names to be entered in a book.

SEC. 19. The following persons, to wit.: Arthur W. McIntyre, John C. Rockafellow and Charles I. Bigley, of the village of Clare shall constitute the registration board of the city of Clare for the first election to be held therein by virtue of this act, and in case either of said persons fail to attend on the registration day named herein then those remaining shall fill the vacancy from the electors of said village. Before entering upon the duties of such board of registration the several members thereof shall be duly sworn to faithfully perform the duties of their said office, which oath may be administered by any justice of the peace or notary public. The township clerk of the township of Grant shall at least five days prior to the first election held under this act furnish the clerk of the village of Clare with a list duly certified by him of all the voters registered in said township residing within the limits of the city hereby incorporated, and said village clerk shall thereupon make and deliver to the board of registration hereby designated for such first registration a copy of such list and said board of registration shall, from such list so furnished, make a list of the qualified electors for each ward, and enter their names and residence in a book to be furnished for that purpose by such board of registration to be paid for by said city upon proper [certificate] certificates of such board. And such book shall be the register of electors for such ward, which book for each ward shall be delivered on the morning of the day of the first election held under this act to the inspectors of election thereof and which said books shall immediately after the election be deposited with the clerk of said city. Such board of registration shall,

on the Saturday preceding the first election, meet at the office of the township clerk of said Grant township for the purpose of [completing] competing the list of qualified voters for each ward, and shall give notice of such first meeting by posting notices in five of the most public places in said city at least six days preceding the time of such meeting, at which session it shall be the right of any person who will be an elector at such election and whose name is not already registered to have his name entered in the register for the ward in which he resides.

When board shall meet.

SEC. 20. Immediately after closing the polls a majority of the inspectors of election shall publicly canvass the votes received by them and declare the result; and shall on the same day or the next day, make a certificate stating the number of votes given for each person for office, and shall file such statement and certificate, on the day of election or the next day, with the clerk of said city. The manner of canvassing said votes shall be the same as prescribed by the law for canvassing votes at the general election held by the State of Michigan.

Canvass of votes.

Certificate to be filed with clerk.

SEC. 21. The person receiving the greatest number of votes for any office in said city shall be deemed and declared elected; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, such election shall be determined by lot, the same as in townships.

Who are elected.

Tie, how decided.

SEC. 22. The city council shall have power to fill all vacancies caused by death, resignation, removal or otherwise, in said city offices, except vacancies in the office of justice of the peace, which vacancy shall be filled at the next annual election, unless all the offices of justice of the peace in said city shall become vacant by reason of death, resignation or otherwise, in which case a special election shall be held, to be ordered by the city council, and notice shall be given in the same manner as the annual election provided for in section thirteen of this act; but in case of an alderman or supervisor such vacancy shall be filled by the appointment of a resident elector from the ward which has such vacancy, for the portion of the unexpired term of such office, ending at the next annual election of said city when an alderman shall be elected to fill vacancy, from such ward, for the rest of the term.

Vacancies to be filled by council.

Except justice of the peace.

Special election.

SEC. 23. The expenses of election under this charter are to be city charges, the amount of such expenses to be regulated by a vote of the city council, when the accounts for such expenses are presented to them.

Expenses of election.

SEC. 24. Any persons elected or appointed to office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified.

Officers to hold until successors are elected.

SEC. 25. The mayor of said city shall be the chief executive officer thereof, and shall preside at the meetings of the city council. It shall be his duty, in addition to other requirements of this act, to see that all officers of said city faithfully comply

Mayor, duties of.

with and discharge their official duties; to see that all laws pertaining to the new municipal government of said city, and all ordinances and resolutions of the city council, be faithfully observed and executed.

Clerk, duties of.

SEC. 26. The clerk of said city shall, in addition to other duties hereby imposed upon him, keep the corporation seal, and all papers filed in or pertaining to his office; he shall make and preserve a record of all ordinances and by-laws passed by said city council in proper books to be provided therefor and, when requested shall duly certify under the corporate seal, copies of all the records of said city council, and all papers duly filed in his office. He is also hereby authorized and empowered, generally, to administer oaths and to take affidavits, and to appoint a deputy, which appointment must be approved by the city council.

Deputy.

Marshal, duties of.

SEC. 27. The marshal of said city shall be the chief of police of said city, and it shall be his duty to serve all process that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the city council are promptly and efficiently enforced; he shall obey all the lawful orders of the mayor or the city council, and shall also attend the meetings of the city council; and may command the aid and assistance of all constables and all other persons in discharge of the duties imposed upon him by law. He shall have power and authority, and it shall be his duty, to apprehend any person found disturbing the peace or offending against any of the by-laws and ordinances of the city, and forthwith take such person before any justice of the peace of said city, to be dealt with as the by-laws and ordinances, or this act, shall provide; and said marshal or any constable of said city may apprehend and imprison any person found drunk in the streets until such person shall become sober, and he shall be authorized to command the assistance in the discharge of such duties, of any of the citizens, if deemed by him necessary, and he shall perform all the duties that may be required of him by the by-laws or ordinances passed by the city council of said city.

Street commissioner, duties of.

SEC. 28. It shall be the duty of the street commissioner to perform or cause to be performed all such labors, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within said city, as the city council shall direct, to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

Shall make reports monthly.

SEC. 29. He shall make a report to the council in writing and on oath, once in each month, giving an exact statement of all labor performed by him or under his supervision, and the charges therefor, the amount of material used, and the expenses thereof, and the street or place where such material was used or labor performed; and further showing the items and [purpose] purposes of all expenses incurred since his last preceding report, and no payment for labor or services performed or for expenses incurred by him shall be made until reported on

oath as aforesaid and shall receive such compensation as the council may determine, not exceeding one dollar and fifty cents for each day actually employed. Compensation.

SEC. 30. The treasurer of said city shall have the custody of all the money and evidences of value belonging to the city; he shall collect and receive all moneys belonging to and receivable by the corporation and keep an accurate account of all receipts and expenditures thereof; he shall pay no moneys out of the treasury except in pursuance of and by authority of law, and upon a warrant signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amount is to be paid; he shall keep an accurate account of, and be charged with moneys received for the corporation; he shall exhibit to the city council annually and as often and for such periods as shall be required, a full and detailed account of all receipts and expenditures since the date of last annual report, classifying them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also, when required, exhibit a general statement, showing the financial condition of the treasury which account, report and statement shall be filed in the office of the clerk. The treasurer may appoint a deputy for whose official duties he shall be responsible. Treasurer, duties of.

SEC. 31. The legislative authority of the city of Clare shall be vested in a city council consisting of the mayor, two [alderman] aldermen elected from each ward, and the city clerk, and the term "council" employed in this section may imply also either city council or common council, and it shall be proper and lawful for such legislative authority in any action or proceeding to designate themselves or to be designated as the council, city council or common council. City council.

SEC. 32. The mayor shall be president of the council, and preside at the meetings thereof, and shall be deemed a member for the purposes of a quorum, but shall have no vote therein except in case of a tie, when he shall have the casting vote. Mayor.
To vote in case of tie.

SEC. 33. On the first Tuesday in May in each year, or as soon thereafter as may be, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof and exercise the duties and powers of president. He shall have a vote upon all questions, but shall have no additional vote by reason of being the presiding officer. In the absence of the president and the president *pro tem* the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and [the] duties of president *pro tem*. President, when appointed.
Duties of president.
President *pro tem*.

SEC. 34. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council shall appoint one of their number or some other competent person to perform the duties of his office for the time being. Clerk, duties of.

- Aldermen.** SEC. 35. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof and to serve upon committees whenever appointed thereon.
- Council to be judge of qualification of members.** SEC. 36. The city council shall be the judge of the election returns and qualification of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe not less than one of which shall be held in each month. The mayor or any three members of the city council may appoint special meetings thereof, notice of which in writing shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting: *Provided, however,* That if all the members of the city council shall be present at any special meeting, no notice of such meeting shall be required.
- Meetings.** SEC. 37. All meetings and sessions of the council shall be public. A majority of the aldermen, or one-half of all the aldermen elect, with the mayor, shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use unless by a concurring vote of two-thirds of all the aldermen elect, nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the city council.
- Special meetings.** SEC. 38. The city council shall prescribe the rules of its own proceedings and keep a record or journal thereof. All votes, when demanded by any member, shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative, and as soon as may be after any meeting of the council all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.
- Proviso.** SEC. 39. The city council may compel the attendance of its members and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed, and may by ordinance prescribe punishment for any misbehavior, [contemptuous] contempt or disorderly conduct by any member or any person present at any session of the council.
- Meetings to be public** SEC. 40. The city attorney, city marshal, street commissioner, city surveyor and engineer of the fire department shall have seats in the council and may take part in all its proceedings and deliberations on all subjects relating to their respective departments subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as the members.
- Quorum.**
- Two-thirds vote required in certain cases.**
- Rules.**
- Record.**
- Yeas and nays.**
- Proceedings to be published.**
- May compel attendance.**
- Officers required to attend meetings.**

SEC. 41. The city council shall have the management and control of the finances, rights, and interests of the city; they shall also have the care and control of the public buildings therein and of all the property, real and personal, belonging to the city corporation, except as may otherwise be provided in this act, and they may make and adopt all such rules, [regulation] regulations and by-laws relating to the property of the city and the care and the management thereof, and to the public parks, lawns, grounds, streets, lanes, and alleys, of the city as they may deem proper.

Additional powers and duties of council.

SEC. 42. Whenever by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon the corporation or city council, the city council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority and to regulate the performance of such duty.

Ordinances.

SEC. 43. The city council may provide by ordinance or resolution for the appointment of standing or special committees of its members who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committee shall be appointed by the mayor, unless otherwise directed by the city council.

Committees.

SEC. 44. The city council shall cause all the records of the corporation and all of the proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as, in the opinion of the city council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents, or papers, or expose the same to loss or destruction with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Records where to be kept.

Subject to inspection.

Punishment for secreting or mutilating records.

SEC. 45. No member of the city council or alderman shall receive any compensation for his services either as councilman, alderman, committeeman, or otherwise, except as herein provided.

Aldermen not to receive compensation.

SEC. 46. No member of the city council or any officer of the corporation shall be interested, directly or indirectly, in the profits of any contract job, work or services, other than official services to be performed for the corporation. Any member of the city council or officer of the city of Clare offending against the provisions of this section shall, upon conviction thereof, be fined not more than one thousand dollars or be imprisoned in

Members of council not to be interested in contracts.

Penalty for.

Officers may be removed.

the county jail not less than one nor more than six months or both, in the discretion of the court, and shall forfeit his office.

SEC. 47. Any person appointed to office by the city council, by authority of this act, may be removed therefrom by a concurring vote of two-thirds of the aldermen elect, and the city council may expel any alderman or remove from office any person elected thereto by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provisions shall be made, by [ordinance] ordinances, for preferring charges and trying the same and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto, except as otherwise provided by this act.

Witnesses may be subpoenaed.

SEC. 48. To enable the city council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the city council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the city council or any committee thereof.

May administer oaths.

SEC. 49. Whenever the city council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the city council or chairman of such committee for the time being shall have power to administer the necessary oaths, and such council or committee, shall have the same power to compel the witnesses to testify as is conferred on courts of justice of the peace.

Council to audit claims.
Claims to be sworn to.

SEC. 50. The city council shall audit and allow all accounts chargeable against the city. No account or claim or contract shall be received for audit or allowance unless it shall be accompanied with an affidavit of the person rendering it or some person in his behalf, to the effect that he verily believes, that the services, or property therein charged, have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just and that to the best of his knowledge and belief no set-off exists, nor payments has been made on account thereof, except such as are indorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. And it shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city that it has never been presented verified as aforesaid to the city council for allowance, or that the claim was presented without the affidavit aforesaid and rejected for that reason, [or] that the action or proceeding was brought before the city council had a reasonable time to investigate and pass upon it.

Powers of council as to streets, etc.

SEC. 51. The city council shall have full power and authority to lay out and establish, open, make, grade and repair such streets, lanes, alleys, squares, market places and public parks in said city, as they shall deem necessary, and to alter those

already laid out, and repair and extend the same; and if in doing thereof they shall require for such purposes the grounds or ground of any person or persons, they shall give notice thereof to the owner or parties interested, or his or their agent or representative by personal service or by publication in some one of the newspapers printed in said city, at least three weeks preceding the meeting of the city council at which action is to be had in regard to the same; and the said city council is hereby authorized to purchase the right of way through such grounds or premises from the owner or owners thereof. If they can agree upon a price, it shall be paid therefor; but in case they cannot agree upon a price, it shall be lawful for any justice of the peace of said city to issue his *venire*, directed to the marshal or any constable of said city, commanding him to summon a jury of twelve disinterested freeholders of the said city, to appear before him at a time to be therein mentioned, which shall not be less than five days from the issuing thereof, to inquire into the necessity of using such grounds or premises, and to assess the value thereof; which jury being first sworn by said justice of the peace faithfully and impartially to make such inquiry and to assess the value of the premises to be taken, and having heard the testimony of witnesses, if any be sworn, and the representation of the person or persons interested shall, if such necessity appears, assess the value of the grounds or premises to be taken according to the respective interest of the owner or owners or parties interested, which assessment shall be signed by the jurors and delivered to the justice of the peace, who shall enter judgment thereon, confirming the same, and file the same in his office. All sums so assessed shall be paid or tendered to the person or persons in favor of whom such assessment shall be made, before such streets, lanes, or alleys, squares, market places, or public park shall be made, opened, established, or altered; if the person or persons claiming the same, shall reside in the said city, and if not, it shall be paid into the city treasury for the use of such claimant or claimants; and it shall thereupon be lawful for the said city council to cause the said grounds or premises to be converted to and used for the purpose aforesaid: *Provided*, That any person claiming compensation therefor, and who shall be dissatisfied with the assessments of the jury, may appeal therefrom to the circuit court for the county of Clare upon giving notice of his intention to do so to the said justice of the peace within ten days after the time of filing such assessment, or, in case of the absence of the claimant from the city, within thirty days from such filing, first giving bond, with two sufficient sureties, to be approved by the said justice of the peace, to pay all costs which may be awarded against him in said circuit court; but no appeal, *supersedeas*, injunction or any other process or proceeding from any court whatever, shall prevent the immediate making, laying out, opening, establishing, or altering such street, lane, alley, square, market place, or public parks as aforesaid. Upon filing a copy of said assessments with a copy

Taking private
property for
proceedings in.

Provido.

of the notice of appeal in the said circuit court, at its next session or within thirty days from the time of filing the same with the said justice of the peace as aforesaid, the court shall have jurisdiction of the appeal, and shall proceed in the same manner as is usual in other cases of appeal to assess the damages; and if the damages awarded by the court upon such appeal shall not be greater than the amount assessed by the jury or than shall have been tendered or deposited as hereinbefore provided, the court shall give judgment against the party appealing for the cost of the appeal. The right of challenge, enforcement of attendance and summoning of talismen is hereby conferred, as is provided by general law in this State in justices courts in civil cases, except that not more than two peremptory challenges shall be permitted to the corporation, and a like number to the individual or individuals collectively, whose property is sought to be taken.

Encumbered
property.

Proceeding to
take.

SEC. 52. In all cases where any real estate subject to any lease or agreement shall be taken as aforesaid, all the covenants and stipulations contained therein shall cease, determine and be discharged upon the final confirmation. If a part only of such real estate be taken, said covenant and stipulations shall cease, determine and be discharged only as to such part; and the court on application of any party in interest to such lease or agreement, and after notice thereof of eight days, in writing, to the other parties in interest may appoint three disinterested residents and freeholders of said city, commissioners to determine the rents and payments hereafter to be made and the covenants, stipulations or conditions hereafter to be performed under the lease or agreements in respect to the residue or part of such real estate not taken. Such commissioners shall before entering on their duties take and subscribe an oath to be administered by the court faithfully to discharge their duties which oath shall be filed in said court. Said three commissioners shall make and sign a report in writing of their doings in said court, which shall be filed therein within thirty days after their appointment; and said report, on being confirmed by the court shall be binding and conclusive on the parties in interest to such lease or agreement; and the fees and expenses of proceedings under this section shall be borne in whole or in part by the parties to such lease or agreement or either of them or by the city in the discretion of the city council.

Fees and expenses.

Powers and duties of constables.

SEC. 53. The constables of said city shall have the power and liabilities and may perform the same duties, that township constables may and have and, in addition, they shall perform all the duties required of them by this act, and the duties to be performed by the marshal of said city, in case of the inability of such marshal whether by absence, sickness or interest in the subject matter of the proceedings, may be performed by either of the constables of said city.

Jurisdiction of
justices.

SEC. 54. The justices of the peace shall have such jurisdiction to hear, try and determine civil and criminal cases as is given by statute to justices of the peace of townships and shall also

have jurisdiction to hear, try and determine civil and criminal cases as is given by the charter, by-laws and ordinances of said city.

SEC. 55. Any justice of said city is hereby authorized and empowered to enquire of, hear, try and determine in a summary manner all the offenses which shall be committed within the limits of said city against any of the by-laws or ordinances which shall be made to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed, to guard all processes, and take recognizances for the keeping of the peace, for the appearance of the person charged and upon appeal and commit to the jail of Clare county, and elsewhere in the State of Michigan as occasion shall lawfully require.

Justices to try
offenses against
ordinances, etc.

SEC. 56. In all prosecutions for a violation of any of the by-laws or ordinances passed by the said city council upon complaint being made upon oath before said justice setting forth therein the substance of the offense complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan for the apprehension of the offender directed to the marshal of the city, except in the case mentioned in the next succeeding section and such process may be executed by any of said officers anywhere within the county of Clare and shall be returnable the same as other similar process issued by the justice of the peace. Upon bringing the person so charged before said justice of the peace, he shall plead to said complaint and in case of his refusing to plead thereto or standing mute, the said justice of the peace shall enter the plea of not guilty for the person so charged. Upon the said complaint and plea a trial shall be had, and upon conviction of said offender, and the imposition of a fine it shall be the duty of the justice of the peace to issue an execution directed to the marshal of said city or any constable of said city, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the offender and commit him to the common jail of said county, and the sheriff shall safely keep the body of the person so committed until he is discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice of the peace shall issue a commitment, directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment or until he be discharged by due course of law; and in no case where both fine and imprisonment are imposed upon the person so convicted by the judgment of such justice of the peace he shall issue the necessary process to carry such judgment into effect; and it shall be lawful to use the common jail of said county for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the city council; and all persons committed by any justice for the violation thereof shall be in the custody of the sheriff of said county who shall safely keep

Warrants to
issue in name of
people.

To be directed to
marshal or con-
stable.

Fines, how
collected.

Body of offender
may be taken.

Commitment to
issue.

County jail to be
used.

Prisoners to be
in custody of
sheriff.

the person so committed until lawfully discharged as in other cases: *Provided*, That the city council may remit any such fine in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same. The jail fees and expenses accruing from the imprisonment in the common jail of said county of all persons liable to imprisonment under the by-laws and ordinances of the city, shall be paid by the said city, to the same extent and in the same manner as in the case of other offenders against the laws of this State.

Warrant to be directed to sheriff in certain cases. SEC. 57. Whenever any person charged with having violated any of the ordinances of the city council by which the offender is liable to imprisonment, shall have escaped from the county, or shall reside or be without the limits thereof, any justice of the peace residing in said county to whom complaint shall be made shall issue a warrant in the name of the people of the State, directed to the sheriff of the county of Clare, commanding him forthwith to bring the body of such person before him, to be dealt with according to law, and every sheriff to whom such warrant shall be delivered for service is hereby required to execute the same under the penalties which are incurred by law by sheriffs and other officers for neglecting or refusing to execute criminal process.

Trials. SEC. 58. In all trials before any justice of the peace under the provisions of this act, of any person charged with any violation of any by-law or ordinance of the city council the accused may demand of such court a trial by jury of six persons, and all the proceedings for selecting and summoning such jury, and in the trial of the cause shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace, and in all cases the right of appeal from the justice's court to the circuit court for said county of Clare, or the writ of *certiorari*, shall be allowed to the parties, and the same recognizance shall be given as is or may be required by law in appeals or *certiorari* from justice's courts in similar cases.

Supervisors, duties of.

SUPERVISORS.

SEC. 59. Said city shall be entitled to three supervisors, one to be elected in each ward, who shall be assessors in their respective wards. The supervisors of said city are hereby authorized and required to perform the same duty in their respective wards that the supervisors of townships under the general laws of the State are authorized and required to perform in relation to the assessing of property and levying of taxes for State, county, municipal and school purposes, and for all other purposes whatever, and for such services they shall receive the same fees as supervisors of townships are entitled to. They shall represent their several wards on the board of supervisors of the county of Clare, and shall be entitled to all the rights, privileges and the powers of the members of the said board of supervisors for the purpose of assessing all property

equally in the whole city and for all other purposes whatever, with all the powers of supervisors under the general laws of this State. The said supervisors shall meet at the office of the city clerk, at the time required by the statute, for the purpose of reviewing, equalizing and completing their assessment or assessment rolls for said wards.

SEC. 60. The supervisors of the several wards shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers. And said supervisors shall receive the compensation for their services respectively as supervisors of townships are entitled by the laws of this State to receive. Jury lists.
Compensation.

SEC. 61. The mayor of the city, by virtue of his office, shall be a member of the board of supervisors of Clare county, and represent the interest of the city in said board, and as a member of such board shall be entitled to receive the same compensation as other supervisors for attendance upon said board, and he shall have all the rights, privileges and powers of other members of said board of supervisors. Mayor a member
of board of
supervisors.

ASSESSMENT AND COLLECTION OF TAXES.

SEC. 62. All State, county and school taxes in said city, and all city taxes which shall be raised by general tax shall be levied and collected, as near as may be, in the same manner as provided by law for the assessment and collection of taxes by township officers. and all proceedings for the return, sale and redemption of real estate for non-payment of taxes shall be in conformity with the return, sale and redemption as is required by the laws of this State. Taxes, how
levied and col-
lected.

SEC. 63. The city council shall have power to assess and collect from every male inhabitant of said city over the age of twenty-one years and under the age of fifty years, except paupers, idiots and lunatics, a list of whom shall be made by the supervisors at the time of making their annual assessment, an annual capitation or poll-tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same. Poll-tax.
Collection of.

SEC. 64. The city council shall also have power and authority to vote and cause to be levied and collected such amount of taxes on the real and personal property within the limits of said city, as they may deem necessary to defray the incidental expenses thereof, not to exceed one and one-quarter per cent on the assessed valuation thereof, exclusive of the cost of collecting the same, in any one year. The moneys so raised shall constitute a general fund; and not to exceed one-fourth of one per cent for highway and street purposes, and the moneys so raised shall constitute a highway fund. Taxes.
Amount to be
levied.
General fund.
Highway fund.

SEC. 65. The city council may by ordinance provide for the collection of all assessments of taxes necessary to be raised, other than such as may be raised as provided in section thirty-seven of this act, and for the sale of any real estate, for the Collection of
taxes.
Sale of real
estate for taxes.

Proviso.	non-payment of such tax, and for redemption thereof: <i>Provided</i> , That all the proceedings relative to the notice of sale, manner of conducting the same, and the time to redeem, shall be in conformity, as near as may be, to provisions of law regulating the sale of land delinquent for State, county and township taxes.
Tax roll.	SEC. 66. Each supervisor shall, on or before the first Monday in December, deliver to the city treasurer the tax roll with the taxes for the year annexed to each valuation and carried out in the last column thereof, the school library and school house taxes in one column, the city tax in another, the county tax in another, and the State tax in another column; and if other taxes are at any time required by law, they shall be
Taxes to be placed in separate columns.	placed each in another column and the warrant for the collection shall specify particularly the several amounts and purposes for which said taxes are paid into the city and county treasuries, respectively.
Warrant what to specify.	SEC. 67. To such tax roll or tax list the supervisor shall annex a warrant under his hand, directed to the said city treasurer, commanding him to collect from the several persons named in said rolls the several sums mentioned in the last column of such roll opposite their respective names, and pay over to the county treasurer the amount therein specified for State and county purposes, on or before the first day of March then next ensuing, and to retain in the city treasury the remainder of said taxes, after deducting the same amount as his fees as allowed to township treasurers. And such warrant
Warrant to be directed to city treasurer.	shall authorize the treasurer in case any person named in such roll shall neglect or refuse to pay his tax, with the fees for collecting to be added, to levy the same by distress and sale of the goods and chattels of said person.
May collect by distress and sale.	SEC. 68. The treasurer shall immediately after the receipt of the tax roll, post up in the postoffice in said city, and in as many as ten of the public places in said city, conspicuous hand bills, giving notice when such tax roll can be seen and the taxes paid and a receipt therefor obtained, without expense, at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one o'clock till four o'clock in the afternoon, during each Tuesday and Friday in the month of December, Christmas day excepted, and the tax roll shall be kept at the place or places mentioned in such hand bills, from nine o'clock in the forenoon until four o'clock in the afternoon of such days during the month of December, Christmas day excepted, so that any person or persons can pay the tax assessed against him or them, and obtain the treasurer's receipt therefor; and on all taxes so paid prior to the first day of January, one per cent shall be charged as a collection fee, and for all collected after the first day of January, four per cent shall be charged as a collection fee.
Notice of time and place of payment.	SEC. 69. The treasurer shall proceed to collect the taxes in said city, and to pay over money to the county treasurer, and to return to the county treasurer a statement of taxes remain-
Collection of fees.	
Unpaid taxes.	

ing unpaid and due, in the manner provided by law for township treasurers, and all the provisions of the laws of this State relating to the collection of taxes by township treasurers, or to the paying over of money by township treasurers to the county treasurer, or returning by the township treasurer to the county treasurer of a statement of the taxes remaining unpaid and due, are hereby made applicable to the treasurer of said city.

SEC. 70. Whenever the city council shall deem it expedient to construct any sidewalk, or pave or plank any street, lane or alley, within said city they may by ordinance, by-law, or otherwise, require the owner or owners of any lot or house or premises adjoining said street, lane or alley to build such sidewalk, or construct said pavement, or plank the same to the middle of said street, lane or alley in front of his or her or their house and lot or premises, and whenever the owner or owners of any such house or houses and lot or premises shall refuse or neglect, within such time as the city council shall have appointed by said ordinance, by-law or otherwise, to build said sidewalk, or to construct said pavement or plank said street, lane or alley to the middle of the same, it shall be lawful for the said city council to build said sidewalk or to pave or plank said street, lane or alley, at the expense of the city, and to recover the amount of such expenses, with damages, with interest at the rate of ten per cent, and costs of suit, from the owner or owners of said lot, or house or premises, who has or have neglected to conform to such regulation, or they may add ten per cent, and the supervisors may return the same, to be assessed and collected in the same manner as the ordinary city taxes are collected, and which shall be a lien upon the premises, as any other taxes: *Provided*, That such pavement shall not be made or ordered unless upon petition of the owners of two-thirds of the frontal of such street proposed to be paved.

SEC. 71. Said city council shall have power, and it shall be their duty, to repair and clean said sidewalks, pavements, or planking, as they shall by ordinance, by-law or resolution prescribe after neglect or refusal of the owner or owners of said premises, at the expense of the city, and may recover the amount of such expenses from said owners, in the same manner and form as is prescribed in section seventy of this act, for recovering expenses of building sidewalks, paving or planking streets, lanes or alleys, for said owners.

SEC. 72. The city council shall have full power, and it shall be their duty, to establish all grades of sidewalks, pavements, planking and of all streets, lanes, or alleys and regulate the grading of same. But the grading and repairing of streets, lanes or alleys, where no pavement, sidewalk or planking is required shall be done at the expense of the city except as hereinafter provided: *Provided*, That it shall be the duty of the city council, under this act, to first grade and work all the streets connecting with the roads leading out of the city, as fast as it

State law to apply.

Pavements and sidewalks.

Owners of lots to build and construct.

When lawful for city to build.

Expenses of building, how collected.

A lien upon premises. *Provido*.

Council to repair and clean sidewalks and pavements.

Amount to be recovered from owner.

Council to establish grades.

Streets first to be graded.

When property owners petition for street improvements.	can be done with safety to the public travel on the other streets of said city, and also to keep the same in good repair: <i>And provided</i> , That when the property owners on any street or part of any street, by a petition to the city council, signed by at least two-thirds of said property owners on said street or part thereof, to be affected thereby, request that said street or part thereof shall be improved, that said petition shall state the amount to be expended on said street, and the city council may, in their discretion, order the same as petitioned for, to be graded and otherwise improved under the direction of the street commissioner, and cause the expense of said improvement and grading to be assessed on the property of said street or part of street graded and improved, by virtue of such petition. The supervisors of the wards through which such improvements pass shall and they are hereby authorized to make such assessment, and sign and attach their certificate thereto. The mayor is authorized to, and shall within ten days thereafter, annex his warrant to said assessment, which warrant shall be the same as that prescribed by section 67 of this act, except that it shall command the marshal to collect said assessment within thirty days from the date thereof. The powers and duties of said marshal, relative to the collection of said assessments and the return of the assessment roll shall be the same as those of the treasurer as specified in said section 62 and the said marshal shall upon the return of said assessment roll, pay over to the treasurer of said city all the moneys collected by him by virtue thereof.
Shall state amount.	
Council may order same.	
Expense to be assessed on property improved.	
Supervisors to make assessment.	
Marshal to collect assessment.	
Money to be paid treasurer.	
Cross-walks, Gutters.	SEC. 73. All cross-walks shall be built at the expense of the city; all gutters at the expense of the owners in front of whose premises said gutters are to be built.
Penalties for violation of ordinances.	SEC. 74. Where, by the provisions of this act, the city council has authority to pass ordinances or by-laws on any subject, they may prescribe a penalty not exceeding one hundred dollars or ninety days' imprisonment, or both in the discretion of the court, together with the costs of the prosecution, for a violation of any of said ordinances or by-laws, and they may provide that the offender on failing to pay any fine, penalty or forfeiture, together with the costs of prosecution may be imprisoned in the county jail of Clare county for any term not exceeding ninety days.
Ordinances to take effect.	SEC. 75. No ordinance or by-law of the city of Clare imposing a penalty shall take effect until the expiration of at least fifteen days after the first publication thereof, in a newspaper printed in said city.
City records evidence.	SEC. 76. A record of entry made by the clerk of said city, or a copy of such record or entry duly certified by him, shall be <i>prima facie</i> evidence of such first publication; and all laws, regulations, resolutions, and ordinances of the city council may be read in evidence in all courts of justice and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either, first from a copy certified to by the clerk of said city; or second, from the volume of ordinances printed or written by authority of the city council.

SEC. 77. In the suits or proceedings in which the corporation of the city of Clare shall be a party, or shall be interested in, no inhabitant of said city shall be deemed incompetent as a witness or a juror on account of his interest in the event of such suit and action.

No inhabitant of city incompetent as witness or juror.

SEC. 78. The city council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State, and shall have all the powers given by statute to highway commissioners, so far as applicable, except as herein otherwise provided, and the city clerk shall discharge the like duties as are imposed on the township clerk by the provisions of law.

Duties of council.

Of city clerk.

SEC. 79. No person shall be deemed to have gained any title, as or against the city by lapse of time, to any street, lane, alley, common or public square, heretofore laid out or platted by the proprietor or proprietors of said city or any part thereof, by reason of any encroachment or inclosure of the same.

Lapse of time not to give title.

POWER.

SEC. 80. The city council shall have and exercise in and over said city the same power in relation to the regulation of taverns, groceries, common victualers, and others, as are now or may hereafter be conferred by the general laws of the State upon township boards, or upon the corporate authorities of cities and villages, in relation to tavern keepers and common victualers and subject to the same conditions and limitations.

Council to regulate taverns, etc.

SEC. 81. The city council in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to said city and may make such orders, by-laws and regulations as they may deem desirable, within said city for the following purposes:

Additional powers and duties of council.

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of said city, to prevent and quell riots, disturbances, disorderly conduct of assemblages, and to provide that the proprietors and lessees of public halls in said city shall keep sufficient police force to preserve order at all exhibitions, dances and performances for money in the halls;

Relative to vice and immorality.

Second, To restrain and prevent disorderly and gaming places, houses of ill fame, and to restrain bowling alleys, saloons and restaurants;

Disorderly and gaming houses.

Third, To forbid and prevent the giving of or selling of any intoxicating liquors to any minors, apprentice or drunkard;

Intoxicating drinks.

Fourth, To prohibit, restrain, regulate, license and tax all sports, exhibitions of natural and artificial curiosities, caravans of animals, theatricals, exhibitions, circuses, and all lectures delivered for money, except before a college or organized literary society, or other performance and exhibitions for money;

Of licenses.

- Of auctioneers, peddlers, etc.** *Fifth*, To regulate and license the sale of goods, wares and personal property at auction, except in cases of sale authorized by law; also all auctioneers, peddlers, foot peddlers, hawkers, ten pin alleys and billiard tables;
- Of nuisances.** *Sixth*, To abate and remove nuisances of every kind and to compel the owner or occupant of every grocery, tallow chandler shop, butcher stall, meat market, soap factory, tannery, cellars and store rooms, where hides, furs, pelts or tallow are stored, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they deem necessary for the health, comfort and convenience of the inhabitants of said city;
- Of the use of sidewalks.** *Seventh*, To prohibit, restrain and regulate the driving of horses oxen and mules, hog, sheep and cattle upon the sidewalks of the city, and the sliding, skating, hauling of carts and sleds, and wheeling of wheelbarrows on said sidewalks;
- Of markets, etc.** *Eighth*, To direct the location of all slaughter houses, markets and buildings for storing gunpowder, oils and other combustible substances;
- Of carbon oil, etc.** *Ninth*, To prohibit, restrain and regulate the sale of carbon oil, and oils, and illuminating materials that are found to be below the standard required to prevent their being dangerous and explosive when used in lamps and burners;
- Of gas pipes and mains.** *Tenth*, To prohibit, restrain and regulate the laying of gas pipes and gas mains;
- Street lighting.** *Eleventh*, To regulate the lighting of streets and alleys, and provide for the protection and safety of public lamps;
- Of explosives, etc.** *Twelfth*, To regulate the buying, carrying, selling and using of gunpowder, fire-crackers and fire-works manufactured or prepared therefrom, or other combustible materials and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables, and other buildings, and to restrain the making of bonfires in streets or yards;
- Of streets, etc.** *Thirteenth*, To prevent the encumbering of streets, sidewalks, cross-walks, gutters, squares and parks, lanes, alleys and bridges, in any manner whatsoever;
- Racing and fast driving.** *Fourteenth*, To prevent and punish horse racing and immoderate driving or riding in any street or over any bridge, and to authorize the stopping and arrest of any person, who shall be guilty of immoderate driving or riding in any street or over such bridge;
- Of bathing in lakes, etc., in city.** *Fifteenth*, To prohibit and regulate the bathing in any of the lakes, rivers, ponds or races in said city;
- Drunkards, vagrants, etc.** *Sixteenth*, To restrain and punish drunkards, vagrants, mendicants, street beggars, disorderly persons and persons found drunk in the streets;
- Of pounds.** *Seventeenth*, To establish and regulate one or more pounds, and restrain and regulate the running at large of horses, cattle, swine, and other animals, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;
- Of carcasses, etc.** *Eighteenth*, To prohibit any person from bringing or depositing any dead carcass or any unwholesome or offensive substance

within the limits of the city and require the removal or destruction thereof. If any person or persons shall have on his or her or their premises such substance or any putrid meats, fish, hide or skins, and on his, her or their refusal to remove the same forthwith, to authorize the removal and destruction thereof by the officers of said city;

Nineteenth, To prevent and punish the resisting and obstructing of any officer in the discharge of his duties; Resisting officers.

Twentieth, To prevent and regulate the running at large of dogs; Of dogs.

Twenty-first, To compel all persons to keep the sidewalks in front of the premises owned or occupied by them, clear from snow, dirt, wood or obstructions of any kind; Sidewalk obstruction.

Twenty-second, To regulate the ringing of bells, and the crying of goods and other commodities, for sale at auction or otherwise, and to prevent disorderly noises and obscene and improper language in the streets; Street noises.

Twenty-third, To license all traveling physicians who may visit said city for the purpose of practicing their profession for money: *Provided*, That this section shall not include any physician from abroad who may have been called to said city to consult with a resident physician; Traveling physicians. Provide.

Twenty-fourth, To regulate and establish the line upon which fences and buildings may be erected upon any street, lane or alley in said city and to compel such fences or buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars; Fences and buildings.

Twenty-fifth, To regulate the burial of the dead, and to compel the keeping of bills of mortality; Burial of the dead.

Twenty-sixth, To establish, order and regulate the markets, regulate the vending of wood, meat, vegetables, fruits and provisions of all kinds and time and place for selling the same: *Provided*, That nothing herein contained shall prevent the selling of fish and of wholesome meat by the quarter within the limits of said city; To establish markets.

Twenty-seventh, To establish, regulate and preserve public wells, reservoirs and pumps, and to prevent the waste of water; Public wells, etc.

Twenty-eighth, To prescribe the term of office and the duties of all the officers appointed by said common council and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and the number of sureties to be given by the officers of the city for the discharge of their duties, and the times for making the same, in cases not otherwise prescribed by law or by this act; to prescribe and regulate the weighing of hay and measuring of fire-wood by the persons appointed by the common council for that purpose; Terms of office, etc. Weighing of hay, etc.

Twenty-ninth, To ascertain, establish and settle the boundaries of all streets, lanes, and alleys and public places in said city, and remove all encroachments thereon; Of boundaries of streets etc.

Thirtieth, To regulate the setting of awnings and other posts Of awnings, trees, etc.

and trees in the streets, lanes and alleys and public places in said city; to construct and repair sewers, drains and bridges;

FIRE AND FIRE DEPARTMENT.

- Fire department.** *Thirty-first,* To make all such by-laws and ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fires, and thieves, robbers and burglars at fires; to compel the owners or occupants of buildings to procure and keep in readiness such a number of fire buckets as they may direct. They shall also have power to prohibit, forbid and prevent the construction or erection within such parts, streets or districts of said city, as in their opinion the public safety may require, any wooden or frame house, store, shop or other building and prohibit or prevent the removing of wooden or frame buildings from any part of said city, to any lot or place within said limits, and rebuilding and repairing of the same and also to regulate the construction of party walls, chimneys, fire-places, and putting up of stoves, stove pipes, furnaces, grates and other things that may be dangerous in causing or promoting fires; to prevent the burning out of chimneys, and order the cleaning out of same; to appoint fire wardens to enter into all the buildings to discover whether the same are in a dangerous state, to be put in a safe condition and also to regulate the construction of all blacksmith shops, cooper, carpenter shops, planing establishments, bakeries and all buildings and establishments usually regarded as extra hazardous in respect to fire; to regulate and establish such hand fire engines, hose companies, hook and ladder companies, steam fire engine companies and bucket companies as they may deem necessary, and to provide such proper buildings, engines, reservoirs, equipment and implements as they may deem necessary. To accomplish the foregoing provisions for furnishing water and the protection of the city from fire, they are hereby authorized to borrow money and to issue bonds of the city therefor, in such sums and for such amounts as they deem necessary, not exceeding twenty thousand dollars at a rate of interest not exceeding seven per cent per annum, and payable in not more than fifteen years from the date thereof: *Provided, however,* That said bonds shall not be issued payable and due in any one year for an amount exceeding two thousand dollars, exclusive of [interest] interests: *Provided, also,* That no such bonds or any amount thereof shall be issued without a majority of the electors voting at a special election duly called, due notice of which shall be given, shall, voting by ballot thus determine. The said city council are hereby authorized, in addition to the power conferred in section thirty-nine of this act, to levy and collect such an amount of taxes yearly on the real and personal property of said city of Clare as shall become due and payable on any of the aforesaid bonds both principal and interest. If in the construction and maintenance of said works it becomes necessary to use grounds or property of private owners either without or
- Fire limits.**
- Fire wardens.**
- Fire companies.**
- May issue bonds.**
- Proviso.**
- Additional proviso.**

within the limits of the said city, the city council are hereby authorized to institute such proceedings as are provided for in sections fifty-one and fifty-two of this act for the requirements and condemnation of lands for roads, streets and other public grounds. The members of the fire department of said city shall be excused from the payment of poll-tax in said city; shall be excused from all duty in the militia in time of peace, and also from serving on any jury in any of the courts in the county of Clare; and upon the breaking out of any fire the chief engineer and his assistants, the marshal and constables of said city may require the assistance of bystanders to aid and assist said companies in extinguishing the fire or fires, to prevent any goods or property from being stolen or injured, and in protecting, conveying and securing the same; and in case any bystander shall willfully refuse or neglect to comply with such requirements he shall be punished in the manner provided [by] in the by-laws and ordinances of said city council, who are hereby authorized to pass such by-laws and ordinances in relation thereto as they may deem necessary;

Firemen excused from poll-tax and jury duty.

May require assistance of bystanders at fires.

Punishment for refusal.

Thirty-second, To regulate the salaries, the amount of bonds to be given and the sureties of the clerk, marshal and treasurer;

Of salaries and bonds.

Thirty-third, To provide for and designate a place in said city for the temporary confinement of persons charged with crimes or misdemeanors while awaiting trial or examination.

Confinement of prisoners.

SEC. 82. The justices of the peace, constables and supervisors shall receive the same fees for services rendered to the city as they receive for similar services under the statutes of the State of Michigan.

Fees.

SEC. 83. The city council shall at least once in each year cause to be published a just and true account of all the moneys received and expended by them in their corporate capacity during the year or any other period next preceding such publication, previous to which they shall audit and settle the accounts of the treasurer and the accounts of all persons having accounts against said city, which statement shall fully set forth the appropriations made by said city council, the amount of money expended, the amount of taxes raised, the expenses of the fire department, the amount expended on streets and all such information as shall be necessary to a full and perfect understanding of the financial concerns of the city.

To make report annually.

PRIOR ORDINANCES AND BY-LAWS.

SEC. 84. All ordinances, by-laws and resolutions of the village of Clare which are in full force at the time of the passage of this act, shall remain in full force and effect as if passed under the provisions of this act: *Provided,* That they do not contain any thing repugnant to the provisions of this act.

Village ordinances to remain in force.

MISCELLANEOUS.

Township clerk
to act, etc.

SEC. 85. The township clerk of the township of Grant shall continue to perform the duties of clerk of said township until his successor is elected and qualified, and when his successor shall have been duly qualified he shall deliver to him all the books, papers and furniture of his office except chattel mortgages upon property within the limits of said city. Such mortgages, with a book containing the entry of the same, shall be delivered to the city clerk with whom all chattel mortgages upon property in said city shall be hereafter filed.

Acts repealed.

Previo.

SEC. 87. All acts heretofore enacted in regard to the village of Clare coming within the provision of this act, are hereby repealed: *Provided, however,* That the repealing of said acts shall not affect any act already done, right accruing or acquired, or proceeding had or commenced, or tax sale made by virtue thereof, or by virtue of any by-laws, ordinance of the president and board of trustees of the village of Clare passed in conformity therewith, but the same shall remain as valid, and may be proceeded in as if the said laws hereby repealed, and every one of them, had remained in full force.

Construction of
act.

SEC. 88. This act shall not be construed so as to change, alter or annul any act heretofore passed for the organization or government of school district number two of Grant and Vernon fractional, of the township of Grant, Clare county, and the township of Vernon, Isabella county, and the boundaries to remain as now, unless changed by the proper authorities.

Village officers to
continue.

SEC. 89. The officers of the village of Clare shall continue in office until the election and qualification of the corresponding officers provided for by this act.

Village property
and indebted-
ness.

SEC. 90. Said city shall own all the property of the village of Clare and shall assume its indebtedness.

Township in-
debtedness and
property.

SEC. 91. The city of Clare shall pay its due proportion of the present indebtedness of the township of Grant, in the county of Clare, upon the basis of the last preceding general tax roll of said township. And said city of Clare shall hold its proportion of all property, moneys, rights, and credits of said township at the time this act shall take effect, upon the same basis, and the township board of said township of Grant and the city council of the city of Clare shall meet within sixty days after this act shall take effect, and apportion such indebtedness, property, moneys, rights and credits, between said township and city in the manner provided by law for the division of property between townships upon a division thereof.

Council to ap-
portion indebted-
ness, etc.

This act is ordered to take immediate effect.

Approved March 12, 1891.

[No. 211.]

AN ACT to incorporate the city of St. Louis, in the county of Gratiot, and to repeal act number three hundred seventy-eight of the local acts of one thousand eight hundred and eighty-seven, entitled "An act to reincorporate the village of St. Louis, in Gratiot county," approved March 4, 1887.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.
That the following described territory, to wit: The south one-half of the northwest fractional quarter of section nineteen, the southwest fractional quarter of section nineteen, and the northwest fractional quarter of section thirty, in township twelve north, of range two west, and the northeast quarter of section twenty-five, the southeast quarter of section twenty-four, and the south one-half of the northeast quarter of section twenty-four, in township twelve north, of range three west in Gratiot county, Michigan, be incorporated into, and the same is hereby made, constituted and organized into a city to be known by the name of the city of St. Louis.

SEC. 2. The city shall be divided into four wards. The Division into wards.
first ward shall embrace all that portion of the city lying north of Pine river. The second ward shall embrace all that portion First.
of the city lying south of the center line of Crawford street, Second.
said street being traversed by the Detroit, Lansing and Northern railroad and the old Saginaw Valley and St. Louis railroad. The third ward shall embrace all that portion of the Third.
city lying east of the center line of Mill street and between Pine river and Crawford street. The fourth ward shall embrace Fourth.
all that portion of the city lying west of the center line of Mill street and between Pine river and Crawford street.

SEC. 3. The following city officers, viz., a mayor, city clerk, Officers.
city treasurer, three school inspectors, two justices of the peace and one assessor shall be elected by the qualified voters of the whole city, voting in their respective wards.

SEC. 4. In each ward two aldermen and a constable shall Ward officers.
be elected.

SEC. 5. The following officers may be appointed by the Appointed officers.
council, viz., a city attorney, city marshal, who shall be *ex officio* city collector, a city surveyor, street commissioner, engineer of the fire department, one health officer, one or more fire wardens, one pound master and such other officers whose election or appointment is not herein provided for as the council may deem necessary and by ordinance provide for the execution of the powers granted by this act and may remove the same at their pleasure. The powers and duties of such officers shall be in accordance with the general law of this State and this act, under which this city is incorporated, unless otherwise provided by ordinance.

SEC. 6. At such first election there shall be elected one justice of the peace who shall hold his office for two years from Of justices of the peace.
the fourth day of July, A. D. one thousand eight hundred and

ninety-one, and one justice who shall hold his office for four years from the fourth day of July, A. D. one thousand eight hundred and ninety-one. And at the regular city elections biennially hereafter, one justice who shall hold his office for the term of four years from the fourth day of July succeeding such election. All such justices shall hold their offices until their successors are regularly elected and qualified. It is further provided that the terms of office of each of the justices first elected under this charter shall begin as soon as elected and duly qualified.

Duties of
assessor.

SEC. 7. The assessor shall have and exercise all powers and authority, and shall perform the same duties as are now or may hereafter be imposed by law upon the supervisors of townships, and he shall be a member of the board of supervisors of the county of Gratiot, Michigan, and as such shall be entitled to the same compensation and shall be paid in the same manner and shall perform, as supervisor, such other duties as shall be required of him. He shall be a member of the board of review of said city and shall have a vote upon all questions arising before said board.

To be regarded
as a township
for certain
purposes.

SEC. 8. For the purpose of assessing and levying taxes the city shall be considered the same as a township for the purpose of equalizing the rolls of said city for the board of review, and for equalizing the same as to county and State taxes by the board of supervisors, and for collecting taxes and returning property for the non-payment thereof, the whole city shall be regarded as a township and the city collector shall perform the same duties and have the same powers as a township treasurer, so far as may be necessary to perform faithfully his duties as such collector. The alderman of each ward whose term of office first expires, together with the assessor of said city, shall constitute a board of review of assessments and shall perform their duties at the time and in the manner provided by chapter twenty-seven of act number one hundred and seventy-eight of the session laws of one thousand eight hundred and seventy-three, approved April twenty-ninth, one thousand eight hundred and seventy-three, and the acts amendatory thereto.

Board of
review.

General laws to
govern, etc.

SEC. 9. The said city of St. Louis shall in all things not herein otherwise provided be governed by and its powers and duties defined and limited by an act, entitled "An act for the incorporation of cities," being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, and all acts amendatory thereto, which act is hereby made and constituted a part of the charter of said city of St. Louis, and all the powers conferred upon cities organized under the act in this section set forth, not inconsistent with this act are hereby conferred upon the city of St. Louis, except as herein otherwise provided: *Provided*, That the mayor and aldermen shall each receive a salary of twenty-five dollars per year as full compensation of the performance of all the duties of their respective offices: *And provided*, That the

Proviso.

Idem.

sum raised for general tax and highway fund for city purposes (exclusive of the sums raised for school and school purposes and bonded indebtedness), shall not in any one year exceed one per cent on the assessed value of all the real and personal property in said city made taxable by law: *And provided further,* Further proviso. That chapter twenty-eight of said act, relating to education and the powers and duties of a board of education, shall not be applicable to the city of St. Louis, and that said union school district and the present limits thereof shall be in no way affected by this act, but the same shall continue as heretofore, subject to and governed by the general statutes of this State relating to schools and school districts, and taxes for school purposes therein shall be assessed and collected in all respects in pursuance of existing statutes relating to fractional school districts; and the clerk and school inspectors of said city and the assessor shall, in relation to said school district, and in the assessment and collection of such taxes, perform the same duties required of like officers in townships.

SEC. 10. An annual city election shall be held on the first Annual election. Monday in April in each year at such place in each of the several wards of the city as the council shall designate. The First election. first election in said city shall be on the first Monday in April, eighteen hundred and ninety-one, and the notice thereof shall be given by the clerk of the village of St. Louis, in the time and manner required by the general law, and the village council thereof shall designate the places of holding said election and shall provide ballot boxes and booths, and appoint inspectors of election for the several wards and conduct the said election in the manner required by the provisions of the general law of the State for the incorporation of cities, as near as may be.

SEC. 11. The officers of said village of St. Louis shall hold Terms of office. their respective offices and be governed by the provisions of this act until the election and qualification of the officers of said city at its first election, as provided by this act, at which time the village council and other village officers of said village shall surrender possession of all the property, books, records and effects of said village to the council of said city so elected as aforesaid. All the ordinances and by-laws of said Ordinances of village to remain in force, etc. village of St. Louis that are not in conflict with the general laws, relating to the incorporation of cities herein referred to shall be and remain in full force and effect until repealed by the council of the new corporation.

SEC. 12. All lands within the limits of said village, upon which village taxes may be delinquent, shall be advertised and sold by the city treasurer in the same manner as the same might have been sold had this act not have been passed. Delinquent taxes.

SEC. 13. Act number three hundred and seventy-eight of the local acts of one thousand eight hundred and eighty-seven, approved March fourth, one thousand eight hundred and Act repealed.

eighty-seven, entitled "An act to reincorporate the village of St. Louis in Gratoit county" is hereby repealed.

Ordered to take immediate effect.

Approved March 12, 1891.

[No. 212.]

AN ACT to authorize the city of Coldwater to erect and maintain an electric light plant for the use of the city of Coldwater and the inhabitants thereof, and to provide for the issuing of bonds for the payment of the same.

Power to erect,
etc., electric
lighting system.

SECTION 1. *The People of the State of Michigan enact,* That the city of Coldwater shall have power to establish, erect, maintain, keep in repair and operate an electric lighting system for the use of the city of Coldwater and the inhabitants thereof, and for that purpose the common council of the city of Coldwater is hereby authorized to submit to the electors of said city, at any annual or special election called for that purpose, a proposition to raise a sum not exceeding fifteen thousand dollars by loan, to be voted upon by them.

To be submitted
to vote of
electors.

Ballots.

SEC. 2. All votes given under the provisions of this act shall be by ballot. Those voting in favor of the loan shall have written or printed on their ballots, "For the loan" and those voting against the loan shall have written or printed on their ballots, "Against the loan." Such election shall be conducted in the manner of conducting regular annual city elections in said city, and with the like notice of election.

May borrow
money and issue
bonds, etc.

SEC. 3. If such proposition shall be approved by a majority vote of the electors of said city voting at such election, the common council, at any time thereafter, may borrow such sum as shall have been voted as hereinbefore provided, or as much thereof as they may consider necessary, and issue the bonds of said city for the payment thereof, said bonds to mature not later than ten years from the date of their issue. Said bonds shall be executed by the mayor and clerk of said city and under the seal thereof, and the common council shall have the power, and it shall be their duty to raise by tax, upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due, which tax shall be levied and collected as provided for the levying and collection of other city taxes.

Powers, etc.,
of city.

SEC. 4. The said city shall have full power to produce, generate, furnish and sell such electricity and electrical light as may be desired in said city for lighting public or private buildings, streets or grounds and for any other purposes. The common council shall, by resolution or ordinance, from time to time, regulate the use of such electricity and electrical lights, fix the rates to be paid therefor, and shall have all other powers

necessary to protect and render serviceable the said system of electric lighting.

SEC. 5. The said electric lighting system may be added to, established, maintained and operated in connection with the system of water-works of said city. May be added, etc., to water works,

SEC. 6. For the purpose of constructing, maintaining and operating such electric lighting system said city shall have the right of way over and along, and the power to lay, construct and maintain conductors for conducting electricity through all streets, lanes, alleys, squares and other public lands of said city. Right of way, etc. If it shall be necessary for any of the purposes of this act to acquire or appropriate private property, the same may be acquired or appropriated and held by said city in the manner and with like effect as provided in the charter of said city and the general laws of the State for taking private property for public use.

Ordered to take immediate effect.

Approved March 12, 1891.

[No. 213.]

AN ACT to amend section three of act number four hundred and eighty of the local acts of the year one thousand eight hundred and eighty-seven, entitled "An act to authorize the board of supervisors of the county of Houghton in this State to borrow money upon the bonds of said county, for the purpose of constructing a free bridge across Portage lake in said county," approved May twenty-fourth, one thousand eight hundred eighty-seven.

SECTION 1. *The People of the State of Michigan enact,* Act amended. That section three of act number four hundred and eighty of the local acts of one thousand eight hundred and eighty-seven, entitled "An act to authorize the board of supervisors of the county of Houghton in this State to borrow money upon the bonds of said county for the purpose of constructing a free bridge across Portage lake in said county," approved May twenty-fourth, one thousand eight hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

SEC. 3. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said county, voting at any general spring or fall election, shall so determine; and the said board of supervisors is hereby authorized and empowered to determine at what general spring or fall election the question of said loan shall be submitted to the qualified electors of said county of Houghton, and they shall cause notice thereof to be given at least ten days prior to said election in like manner as notice is required to be given of a special election under the provisions of section four hundred and ninety-two of Howell's Annotated Statutes. The vote Bonds not to issue unless authorized by vote of electors.

Ballots.

Election, how
conducted.

Certificates.

Duplicate
certificates.

upon such proposition shall be by ballot. Each person voting in favor of such proposition shall have written or printed or partly written and partly printed on his ballot the words, "For the bridge loan;" and each person voting against such proposition shall have written or printed or partly written and partly printed on his ballot the words, "Against the bridge loan." It shall be the duty of the sheriff of said county of Houghton to provide for each polling place in the county a sufficient number of ballots both for and against such proposition. The election shall be conducted and the votes canvassed in all respects as in elections for county officers, and immediately upon the conclusion of such canvass the inspectors of election in each voting precinct of said county shall make out and sign two certificates in duplicate showing the whole number of votes cast upon said proposition and the number of votes cast for and against respectively, one of which duplicate certificates shall be filed with the clerk of the township in which such election is held, and the other with the clerk of said county of Houghton. The said board of supervisors at their next special or regular meeting after such duplicate certificates shall have been filed with the clerk of said county as above provided shall, for the purpose of canvassing and ascertaining the result of such election, examine the certificates filed in accordance with the provisions of this section with the county clerk, and shall determine the result of such election, which said determination shall be spread upon the minutes of said board of supervisors.

This act is ordered to take immediate effect.

Approved March 12, 1891.

[No. 214.]

AN ACT to amend sections four, five, eight, thirty-three and fifty-eight of act number three hundred and seventy-two of the laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the city of Flint," approved March twentieth, one thousand eight hundred and sixty-seven, and the acts amendatory thereof.

Act and sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections four, five, eight, thirty-three and fifty-eight of act number three hundred and seventy-two of the laws of one thousand eight hundred and sixty-seven, entitled "Act to revise the charter of the city of Flint," approved March twentieth, one thousand eight hundred and sixty-seven, and the acts amendatory thereof, be and the same are hereby amended so as to read as hereinafter set forth.

Officers to be
elected.

SEC. 4. The following officers shall be chosen by ballot by the qualified electors in and for said city, to wit: One mayor, one treasurer, said treasurer shall be ineligible to hold the

office longer than two in any three consecutive years, one city attorney, one city clerk, who shall be clerk of the common council, one marshal, and one health officer. The mayor, treasurer, city attorney, city clerk, marshal, and health officer shall be elected annually and shall hold their respective offices for one year and until their successors shall be elected and qualified. There shall also be elected four justices of the peace, to wit: One justice of the peace annually, who shall hold his office for four years and until his successor shall be elected and qualified.

Terms of office.

SEC. 5. There shall be elected at the same time in and for each of the wards of said city, one supervisor, one ward street commissioner and one constable, who shall hold their offices for one year, and until their successors shall be elected and qualified, and one alderman who shall hold his office two years, and until his successor is elected and qualified. The supervisors shall be assessors for their respective wards, and shall perform all the duties and be subject to all the liabilities of township supervisors in respect to the assessment of property in their respective wards, and the disposition to be made of their assessment rolls, except as otherwise provided in this charter.

Ward officers.

Duty of supervisor.

SEC. 8. The common council shall have power to appoint a chief engineer of the fire department and such other officers, whose election is not herein provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove the treasurer for any violation of any provision of this act or of any city ordinance, or for any failure to comply with or perform any lawful order or requirement of the common council. In case of a vacancy in any city or ward office the common council shall fill such vacancy by appointment for the unexpired portion of the year. All officers appointed by the common council shall be notified and qualified as herein directed: *Provided*, That the common council may in their discretion order a special election to fill a vacancy in any office which is elective under this act: *And provided further*, That no member of the common council shall be appointed to any office except in the fire department, nor shall the treasurer be eligible to hold the office of clerk, marshal or deputy marshal.

Chief engineer, etc.

Power to remove, etc.

Vacancy, how filled.

Proviso.

Further proviso.

SEC. 33. It shall be the duty of the ward street commissioner to perform or cause to be performed in his ward all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks in his respective ward, as the common council shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by the common council. He shall make a report to the council in writing and on oath once in each month or oftener, giving an exact statement of all labor performed by him or under his supervision, and the charges therefor, the amount of material used and the expense thereof, and the street or place

Duty of street commissioner.

To report to council.

where such material was used or labor performed, and further showing the items and purposes of all expenses incurred since his last preceding report; and no payment for labor or for services performed or for expenses incurred by him shall be made until reported on oath as aforesaid.

Fees, etc.

SEC. 58. The officers of said city shall be entitled to receive, in addition to the fees and perquisites allowed by law, such sums as the common council shall allow for their services:

Proviso.

Provided, That justices of the peace, supervisors and constables shall be allowed the same fees as are allowed by law to corresponding township officers: *And provided further*, That no compensation or salary shall be paid or allowed to the mayor or to any alderman for any service as such mayor or alderman.

Further proviso.

Acts repealed.

All acts and parts of acts inconsistent with the foregoing proposed amendments are repealed.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 215.]

AN ACT to incorporate the city of North Muskegon, in Muskegon county, and to detach certain territory from Muskegon township in said county and attach the same to said city, and to repeal act number three hundred fifty-nine, of the local acts of one thousand eight hundred eighty-one, entitled "An act to incorporate the village of North Muskegon."

CHAPTER I.

BOUNDARIES.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following tract or parcel of land situate in the county of Muskegon, Michigan, described as follows, to wit: Commencing at a point where the southeast corner of fractional lot three of section eight, township ten north, of range sixteen west, Muskegon county, Michigan, intersects the shore line of Muskegon lake, running thence north on the line between lots two and three of said section to the quarter line thereof, thence west along the quarter lines of sections eight and seven of said township to the center of Bear lake, thence along the center of Bear lake to the section line dividing sections fourteen and twenty-three in the township of Laketon, said county, thence west along said section line to the northwest corner of said section twenty-three, thence south to the center of Muskegon lake, thence northeasterly along the center of Muskegon lake to a point where the section line between sections seven and eight in township ten north, of range sixteen west, would, if extended south, cross the bridge over Muskegon lake as now established,

thence in a straight line to the place of beginning, including all lands in said boundaries and the portion of Bear lake and Muskegon lake [including] included therein, be and is hereby set off from the township of Muskegon and township of Laketon in said county, and declared to be a city by the name of the city [of] North Muskegon, by which name it shall hereafter be known. Corporate name, etc.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and designated by the name and style of the city of North Muskegon, and the said city is hereby made capable of suing and being sued, of pleading and being impleaded, of defending and being defended in all courts of law and equity, and in all other tribunals, and shall have a common seal, which it may devise and which it may alter and change at pleasure, and by the same name is made capable of purchasing and holding, selling and conveying and disposing of any real or personal estate for said city; and the said city shall also have, in addition to the powers hereinafter enumerated, the general powers of municipal corporations by the common law. Body corporate and politic. Seal.

SEC. 3. The said city shall be divided into three wards, the boundaries of which shall be as follows: The first ward shall embrace all that portion of the city lying northeasterly of a line drawn from the point where the east line of Center street intersects Bear lake to [the] a point where said line would, if extended, intersect Muskegon lake; the second ward shall embrace all that portion of the city lying west of the west line of the first ward and east of the east line of Second street; the third ward shall embrace all that portion of the city lying west of the east line of Second street. Ward. First. Second. Third.

CHAPTER II.

OFFICERS.

SECTION 1. The following officers of said city shall be elected by the qualified electors of the entire city voting in their respective wards, viz.: One mayor, one recorder, one treasurer, one assessor, and four justices of the peace, who shall be designated as city officers; and two aldermen and one constable in each ward, who shall be known as ward officers. The mayor, treasurer and assessor shall be elected annually and shall hold their offices for one year and until their successors are elected and qualified. The recorder shall be elected biennially and shall hold his office for two years and until his successor is elected and qualified. One justice of the peace shall be elected annually and they shall hold their offices for four years and until their successors are elected and qualified. Two aldermen shall be elected by each ward and shall hold their offices for two years and until their successors are elected and qualified, and each ward shall elect one constable who shall hold his office for one year and until his successor is elected and qualified. Elective officers. Term.

Appointive
offices.

SEC. 2. The following officers shall be nominated by the mayor and confirmed by the council on the first Monday in May in each year, viz.: One city attorney, one city physician, three members of the board of review, one chief of police, who shall also be overseer of the poor and possess all the powers of overseers of the poor under the township laws of this State, and one superintendent of the water department who shall also be chief of the fire department and street inspector: *Provided*, That the common council shall have the power to combine the office of chief of police and superintendent of the water department and, in such case, the mayor shall nominate and the common council confirm one person to discharge the duties prescribed for both of said offices. The common council shall also, at said meeting, elect one of its number as president *pro tempore*, who shall preside at all meetings of the council in the absence of the mayor. If any nomination made by the mayor is not confirmed by the council he shall make other nominations at that or subsequent meetings until his nominations are finally confirmed.

Provide as to
combining
certain offices.

President pro
tem.

When appoint-
ment not
confirmed.

Other appointive
offices.

SEC. 3. The common council may also at any regular or special meeting appoint so many policemen, nightwatchmen, sealers of weights and measures and firewardens as may be necessary to carry into effect the powers herein granted. All appointive officers may be removed from office at any time, for cause, by the mayor, who, in such case, shall file with the city recorder, his reasons for such removal in writing.

Removal.

Qualifications
for office.

SEC. 4. No person shall be eligible to any elective or appointive office of said city unless he shall be a qualified elector and resident of said city, nor shall any person be eligible to any office in any ward of said city unless he shall be a qualified elector and resident of said ward; and when any officer elected or appointed in said city, shall cease to reside in said city or, if elected or appointed to represent any ward as a ward officer, shall cease to reside in said ward, his office shall thereby become vacant.

When office
vacant.

First election,
officers elected,
term, etc.

SEC. 5. At the first election held under this act there shall be elected in and for said city one mayor, one treasurer and one assessor, who shall hold their offices until the first Monday in April one thousand eight hundred and ninety-two and until their successors are elected and qualified. Also one city recorder who shall hold his office until the first Monday in April one thousand and eight hundred and ninety-three and until his successor is elected and qualified. Also four justices of the peace, one of whom shall hold his office one year, one two years, one three years and one four years, until the first Monday in April, and until their successors respectively are elected and qualified, and the term for which the person voted for is intended shall be designated on the ballot. There shall also, at said election, be elected, by the qualified electors in each ward one alderman who shall hold his office until the first Monday in April, one thousand eight hundred and ninety-three or until his successor is elected and qualified, and one alderman and one constable who shall hold their respective offices

Idem.

Idem.

until the first Monday in April, one thousand eight hundred and ninety-two, and until their successors are elected and qualified. And the term for which the alderman voted for is intended shall be designated on the ballot.

SEC. 6. At all subsequent annual elections held after the first election under this act, there shall be elected by the electors of the whole city voting in their respective wards, one mayor, one treasurer, one justice of the peace and one assessor, and at each alternate election thereafter, one recorder, unless vacancies occur, in which case at the annual election held next after the occurring of the vacancy [an] and officer shall be elected to fill the vacancy, and in each ward there shall be elected one alderman and one constable, unless in case of a vacancy in the office of alderman, when an officer shall be elected to fill the vacancy.

Annual elections, etc., officers to be elected.

When vacancies occur.

SEC. 7. The officers of the village of North Muskegon at the time this act shall take effect shall also be the officers of the city of North Muskegon until their successors are elected and qualified, that is to say, the president of said village shall be the mayor of said city, the clerk and treasurer of said village shall be the recorder and treasurer of said city and the members of the board of trustees shall be the common council, the health officer shall be city physician, and the village attorney, marshal, street commissioner and assessor shall be the city attorney chief of police, superintendent of the water department, and assessor of said city and shall perform the duties of their respective offices under this act.

Certain officers of village to be officers of city.

CHAPTER III.

ELECTORS, REGISTRATION AND ELECTIONS.

SECTION 1. The inhabitants of the city of North Muskegon having the qualifications of electors under the constitution of the State of Michigan, and no others, shall be electors therein.

Who to be electors.

SEC. 2. The board of registration of said city for the first election to be held under this act, shall consist of one member of the board of trustees of said village of North Muskegon for each ward, and one competent elector from each ward both to be designated and chosen by the said board of trustees. Said board of registration shall meet at the place in the several wards which shall be designated by the said board of trustees as the place for holding the first election under this act, on the Saturday next preceding the day appointed by this act for holding said first election at nine o'clock in the forenoon and shall remain in session continuously till nine o'clock in the afternoon. All proceedings with reference to such registration of electors shall be the same as the proceedings provided by law for the registration of electors in townships so far as not inconsistent with this act. At the registration of electors prior to the first election in said city as above provided there shall be an entirely new registration by

Board of registration.

Meeting of.

Proceedings.

New registration.

wards, and for this purpose the board of trustees shall provide a new registration book for each of the wards, and the clerk of said village acting as the recorder of said city as hereinbefore provided shall in his notice to be given of said first election, as hereinafter provided also give notice of said new registration. And no person shall be allowed to vote at said first election unless the name of said person shall be found on said new registration book of the particular ward, except in cases of sickness or other inability of such person to be present on registration day as provided by the general laws of this State.

Voters must be registered.

Exceptions.

Who to constitute board of registration for all elections.

Meeting.

Re-registration.

Every five years.

New book.

Notice of.

When to vote.

Must be registered.

Exceptions.

First election.

SEC. 3. The board of registration of said city for all elections, both regular and special, and for ward, city, county, district, State and national and all other elections shall consist of the alderman from each ward whose term of office expires first, and one competent elector from each ward, to be chosen by the common council of said city for said election only; and said board of registration shall meet on the Saturday next preceding said general or special election, at the place in the several wards which shall be designated by the common council as the place where the election in said ward shall be held, at nine o'clock in the forenoon and remain in session continuously until nine o'clock in the afternoon and all proceedings relating to the registration of voters shall be the same as provided by law for registration of voters at township elections except as herein otherwise provided. It shall be the duty of the common council to provide for the re-registration of the voters of said city on the Saturday next preceding the first Monday in April in the year one thousand eight hundred and ninety-one as provided for in section two of this chapter and on the Saturday next preceding the first Monday in April in each fifth year thereafter, and for that purpose shall provide new registration books for each ward of said city. Notice of such re-registration shall be given by the recorder of said city by publication in some newspaper published and circulated in said city, or by written or printed notices posted in six or more public places in each ward of said city at least ten days prior to the day above named for said re-registration.

SEC. 4. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election, and the residence of any elector not being a householder shall be deemed to be in the ward in which he lodges. No person shall be allowed to vote at any election unless his name appears on the registration book for the ward in which he is entitled to vote, except in case of sickness or other inability of such person to be present on the registration day next preceding said election, as provided by the general laws of the State.

SEC. 5. The first election to be held under this act shall be held in each of the several wards on the first Monday in April, one thousand eight hundred and ninety-one, at such place in each ward as shall be designated by the board of trustees of the late village of North Muskegon, and the board of trustees of said vil-

lage shall elect one from its number to serve as an inspector in each ward, and shall also elect one elector from each ward to act as clerk of said election. And there shall be chosen at said election in each of said wards by the electors present, one elector of said ward to act as an inspector of said election. And both of said inspectors and said clerk of said election shall, before entering upon the duties of their offices, take an oath or affirmation to be administered by some person duly authorized by law to administer oaths, faithfully and honestly to discharge the duties required of them as inspectors or clerk of said election. And they shall certify the result of said election to the board of trustees of said village in the same manner as hereinafter required for certifying the result of subsequent elections held under this charter to the common council of the city. And the said board of trustees of said village shall, as the common council of the city of North Muskegon, have full power to canvass the votes, to determine and certify the result in the same manner as the common council of the city may do in subsequent elections held under this act and with like effect. Notice of this election shall be given by the clerk of said village at least ten days before said election, by written or printed notices posted in three public places in each of said wards. The board of trustees of said village shall provide a suitable box, with lock and key, for a ballot box for each ward.

Inspector in each ward.
Clerk.
Inspectors.

Oath.

To certify result.

Canvass of votes.

Notice of election.

Ballot boxes.

SEC. 6. The annual elections, after the first, under this act, shall be held on the first Monday of April in each year at such places in each of the several wards as the common council shall designate, notice of which elections shall be given by the recorder of said city at least ten days before the election by posting the same in three public places in each of said wards, or by publishing the same in some newspaper published and circulated in said city. The aldermen of each ward shall be inspectors of such elections, in the several wards, and shall be inspectors of the State, district, county, and all other elections; and they shall appoint one suitable person in each ward who shall act as clerk of said election, and in case of the absence of one or both of such inspectors, the electors present may choose *viva voce* from their number, one or more to fill such vacancies to whom, as well as the clerk appointed as aforesaid, shall be administered the constitutional oath by any person authorized to administer oaths in this State. All elections held under the provisions of this act and the canvass of votes and determining qualifications of electors shall be conducted, as near as may be, in the manner provided by law for conducting township elections in this State except as herein otherwise provided; and the inspectors of election shall have the same power and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of election and the canvass of [the] votes, as are conferred by law upon inspectors of general elections held in this State.

Annual election.

Notice of.

Inspectors.

Clerk.

Vacancy.

Oath.

How elections conducted.

Ballot.

To designate
term in case
of vacancy,
etc.

Canvass.

Manner of.

Council to
determine
result, etc.

Who elected.

Tie vote.

Recorder to
notify.

Oath of office.

SEC. 7. The electors shall vote by ballot, and the same ballot shall contain the names of the persons designated as officers for the city and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon shall be separate and shall be deposited in a separate box. And if at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of office, the term for which any person is voted, shall be designated on the ballot.

SEC. 8. Immediately after closing the polls the inspectors of election, without adjournment or recess, shall publicly canvass the votes received by them and declare the result. And they shall, on the same day, and before adjourning, make one certificate of the number of votes given for each person for the several offices to be filled in said city, and also one certificate of the number of votes cast for the several ward officers, together with a statement and certificate in duplicate, setting forth the whole number of votes cast for any other office, or on any other question voted upon at such election, which certificate and statement shall be immediately filed in the office of the recorder of said city, together with the poll list, and the register of electors and the box containing said ballots. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State.

SEC. 9. The common council shall convene on the Thursday following each election at the usual hour and place of meeting and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at said election to the several offices respectively, within and for said city and for the several wards therein; and thereupon the recorder shall make duplicate certificates under the corporate seal of the city of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk of the county of Muskegon, and the other shall be filed in the office of the city recorder.

SEC. 10. The person receiving the greatest number of votes for any office in the city or ward shall be deemed duly elected to such office. And if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes the common council shall, at the meeting mentioned in the preceding section, determine by lot between such persons; and the person so determined shall be considered elected to such office.

SEC. 11. It shall be the duty of the recorder within five days after the meeting and determination of the common council as provided in section nine to notify each person elected, in writing, of his election. And each of said officers so elected and notified shall within ten days after such notice take and subscribe the constitutional oath of office before any person authorized to administer oaths and deliver the same to the recorder who shall file it in his office.

SEC. 12. At the next meeting of the common council held after the expiration of the time in which any official bond or oath of office is required to be filed, the city recorder shall report in writing to the common council the names of all persons elected or appointed to any office who shall neglect to file such oath and such official bond. Report of neglect to file oath or bond.

SEC. 13. If any election of officers provided for by this act shall not be held on the day herein provided for, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at a time thereafter to be designated by the common council, public notice thereof being given for ten days prior to the time appointed, by notices posted in three public places in each ward of said city. And the incumbents of the several offices at the time when such election should have been held, shall continue to hold their respective offices until their successors are so elected, and have qualified. All special elections in said city shall be conducted, except as herein otherwise provided, in accordance with the provisions of this act for the conduct of annual elections. Corporation not dissolved when election not held, etc. Special elections.

CHAPTER IV.

VACANCIES IN OFFICE.

SECTION 1. Every office in said city shall become vacant on the happening of either of the following events, viz.: The death, resignation or removal from office of the incumbent, his ceasing to be an inhabitant of the city, if a city or appointive officer, or his ceasing to be an inhabitant of the ward for which elected, if a ward officer, his conviction and imprisonment for a felony, or of any offense violating his oath of office, the decision of a competent tribunal declaring void his election or appointment, his refusal or neglect to take his oath of office or to give his official bond in the manner or within the time required by law: *Provided*, That if a vacancy shall occur in the office of any justice of the peace of said city the city recorder shall immediately notify the clerk of Muskegon county of such vacancy in writing and under the seal of the city. When officers vacant. Provide in case of justice.

SEC. 2. When any vacancy occurs in any appointive office it shall be filled in the same manner as herein before provided for the filling of appointive offices. Vacancy in appointive offices.

SEC. 3. When any vacancy shall occur in the office of mayor, recorder, treasurer, assessor or alderman, if such vacancy shall occur more than ninety days prior to the first Monday in April following, the common council shall order a special election in the city, if a city officer, or in the ward, if a ward officer, notice of which special election shall be given by posting a written or printed notice not less than ten days prior to the day appointed for such election, if the election is to fill a vacancy in a city office, in three public places in each ward, Special elections held in case of certain vacancies. Notice of.

and if the election is to fill a vacancy in a ward office, then in three public places in the ward where said vacancy exists; and such special election shall be conducted in all respects as other elections provided for by this act. The board of registration for said special election shall meet on the Saturday next preceding the day appointed for said special election at the same hour and remain in session the same time as herein provided for general elections, and be governed in all respects by the provisions hereinbefore set forth for the government of boards of registration of general elections. Where a vacancy shall occur in the office of mayor, ninety days or less before the first Monday in April following, the president *pro tempore* of the common council shall act as mayor for the remainder of the year, and shall possess all the powers and discharge all the duties of mayor. When any vacancy shall occur in the office of recorder, treasurer, assessor or alderman ninety days or less before the first Monday in April following, the common council shall elect some competent person, an inhabitant and elector of said city, and if the vacancy is in the office of alderman, he shall be a resident of the ward in which the vacancy exists, who shall take the required oath of office and file the bond required by law and hold his office until the next annual election and until his successor is elected and qualified. The common council shall fill all vacancies in the office of constable by the election of some qualified person, an elector of the ward in which said vacancy exists.

Board of registration, when to meet.

When president *pro tem.* to act as mayor.

When common council to elect certain officers.

Official oath and bond.

Office of constable, how filled when vacancy.

CHAPTER V.

POWERS, DUTIES AND COMPENSATION OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city and shall be president of the common council and shall, from time to time, give the common council information concerning the affairs of the corporation, and recommend such measures as he may deem to be for the best interests of the city. He shall countersign all orders lawfully drawn on the city treasurer, and see that all officers of the city faithfully comply with and discharge their official duties, and see that the ordinances and laws of the city are enforced. He shall be a conservator of the peace of said city, and may exercise, within said city, the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of able-bodied citizens to aid him to suppress riot and disorderly conduct. He shall have power, and it shall be his duty, to preserve order and decorum in the council room during the session of the common council; and for this purpose may order any disorderly person to be arrested for any disorderly or contemptuous conduct in his presence. He shall have authority at all times to examine the books, records, and papers of any agent or officer of the corporation, and shall perform generally all such duties as may be prescribed by the ordinances of said city.

Chief executive, etc.

Conservator of peace, etc.

Inspect books, etc.

SEC. 2. The president *pro tempore* of the common council shall possess the same powers and perform and discharge the same duties as the mayor during the absence, inability, death, resignation or removal of the mayor.

President *pro tempore*, duties, powers, etc.

SEC. 3. The recorder of said city shall perform all the duties and have the statutory powers of the township or city clerks in respect to the filing and custody of all papers [and records] to be filed, and the performance of all other statutory duties. He shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances entrusted to some other officer. He shall be clerk of the common council, attend all its meetings, keep all its records, and preserve the same in books to be provided for that purpose. He shall draw all orders on the treasurer for claims and accounts allowed by the common council, and keep an account of the funds to which the same belong. He shall draw orders on the poor fund of said city [whenever requested by the overseer of the poor of said city] but not to exceed fifty dollars at any one time without the vote of the common council. He shall be [the] general accountant of the city, and all claims against the corporation shall be filed with him for adjustment. He shall countersign and register all licenses granted and shall, when required, make and certify under the seal of the city, copies of the papers and records and files kept in such office, the fees therefor to be fixed by the common council; and such copies shall be evidence in all cases of the matters therein contained to the same extent as the originals would be. The recorder shall exercise a general supervision over the receipts, collections, and disbursements of the city revenues, and shall make statements thereof to the common council or [the] mayor whenever required. He shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation, unless in this act otherwise provided. He shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city and [of] all debts and liabilities. He shall keep a complete set of books showing the financial condition of the corporation in all its departments, and shall keep an account with the treasurer in which he shall charge him with all moneys received for each of the several funds of the city and credit him with all the warrants drawn thereon, keeping a separate account with each one; and when any fund has been exhausted he shall immediately notify the common council thereof. He shall also perform such other duties pertaining to his office as may be required by the common council or by the provisions of this act. He shall give a bond for the faithful performance of his duties in such sum as the common council shall direct, which bond shall be deposited with the city treasurer. He may have a clerk, who may perform all the duties aforesaid, and may be known as the deputy city recorder, under such regulations as shall be prescribed by the common council. He shall make a report to the common council at the close of each month showing the amount

Recorder, duties of.

As clerk.

To be city accountant, etc.

Supervision of property of city, etc.

Required to give bond.

To report, etc.

drawn by orders upon each fund during the month, and showing fully all moneys received by him during said month, and from what source and for what fund, and shall attach thereto the treasurer's receipts for said moneys, which report shall be examined by a committee of the common council and if found correct be filed. He shall turn over to his successor in office all books, papers, and vouchers and other property belonging to the city upon demand thereof.

Turn over books,
etc., to successor.

Duties of
treasurer.

Bonds.

Keep accounts,
etc.

Monthly report,
etc.

Funds,
disposal of.

Interest on.

Monthly
settlement.

Deputy.

SEC. 4. The city treasurer shall, by virtue of his office, be the collector of all taxes and assessments, both general and special, and of all water rates levied and made therein except as herein otherwise provided. And he shall within eighteen days after his election give bonds to the city in such sum and with such surety or sureties as the common council shall require and approve, and he shall give bonds also to the treasurer of the county of Muskegon in such sum as is or may hereafter be required by law of the several township treasurers of this State; and he shall perform such other duties respecting the collection of taxes and the return thereof as the common council shall require, and shall obey all orders and resolutions of the common council not inconsistent with the provisions of this act; and shall turn over to his successor all moneys, books, papers, and property of every kind and description due and belonging to the city upon demand thereof. He shall keep an accurate account in their respective funds of all receipts, and of all warrants paid by him, and his books shall be open to the inspection of any elector at all reasonable hours. He shall make a statement to the common council at the end of each month, showing a full and fair account of the receipts and expenditures for that month as to each fund, and also the state of the treasury at the close of the month and the balance in each fund, which account shall be left to a committee for examination and if found correct shall be filed. He shall pay no money out of the treasury except in pursuance of and by authority of law and upon warrant signed by the recorder and countersigned by the mayor or acting mayor. All funds of the city collected by its treasurer shall be deposited by him in some bank within said city or within the city of Muskegon in said county, as shall offer the highest rate of interest thereon, and shall give security to be approved by the common council for the safe keeping and repayment upon proper warrants signed and countersigned as above provided. And all moneys so deposited shall at all times be subject to withdrawal upon warrants signed and countersigned as above provided. The interest upon such deposits shall be paid into the city treasury and credited to the account of the contingent fund of said city. The treasurer shall settle at the close of each month with the treasurer of the school board of the "Public Schools of the City of North Muskegon," and pay over to said treasurer all moneys in the hands of the city treasurer belonging to said "Public Schools of the City of North Muskegon," and take his receipt therefor, and shall make a report thereof to the common council, and he may appoint a deputy with full power to act in his stead.

SEC. 5. The assessor shall have and exercise all powers and authority, and shall perform the same duties as are now or may hereafter be imposed by law upon the supervisors of townships, and he shall be a member of the board of supervisors of the county of Muskegon, Michigan, and as such shall be entitled to the same compensation and shall be paid in the same manner and shall perform, as supervisor such other duties as shall be required of him. He shall be a member of the board of review of said city and shall have a vote upon all questions arising before said board.

Duties of assessor.

Compensation.

Member of board of review.

SEC. 6. The justices of the peace of said city shall have and exercise therein the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings and shall perform the same duties in all respects, so far as the occasion may require as are or may be conferred upon or [be] required of justices of the peace by the general laws of this State excepting as herein otherwise provided. And shall have jurisdiction of all actions brought for the recovery of any fine, penalty or forfeiture imposed by this act or by any ordinance of said city. It shall be the duty of the justices of the peace of said city to keep their offices in said city and to attend to all complaints of a criminal nature which may properly come before them. And they shall receive for their services the usual fees provided by law in similar criminal cases, and, when engaged in cases for the violation of any ordinance of the city, such fees as the common council shall by ordinance prescribe. Any justice of the peace of said city may be suspended or removed from his office by the circuit court for the county of Muskegon, for neglect or refusal to pay over any fines, moneys, penalties or forfeitures, collected by him or for any official misconduct on charges preferred by the common council. A copy of such charges shall be served on said justice in such a manner as the circuit court shall direct, and an opportunity shall be given to said justice to be heard in his defense. The justices of the peace of said city shall qualify in the same manner and give like security as required by law of the justices of the peace in townships; and the laws of the State applicable to justices of the peace in townships, and of the courts held by such justices of the peace, excepting as otherwise provided in this act, shall apply to the justices of the peace of said city. They shall pay into the city treasury on the first Monday of each month all fines, penalties or forfeitures collected by them for offenses arising for violations of this act, or for violations of the ordinances of said city, and make monthly report thereof to the common council; and all other fees, penalties and forfeitures collected by them, shall be disposed of in accordance with the laws of said State. The term of office for said justices of the peace shall commence on the fourth day of July next succeeding their election, except when elected to fill vacancies, in which case they shall qualify within eighteen days after notice of their election, and may at once enter upon the duties of their office, and except in case of the first jus-

Jurisdiction, etc.

Fees.

Removal, causes for, etc.

Shall qualify.

Disposal of fines, etc.

Term, when to commence, etc.

tices of the peace elected in said city by virtue of this act, and as to said justices they shall qualify within eighteen days after said election, and enter at once upon the duties of their offices.

Aldermen,
duties of, etc.

SEC. 7. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council, to act upon committees when thereto appointed by the mayor or common council, to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duties, to maintain peace and keep order in said city, and to perform all other duties required of them by this act.

City attorney,
duties of.

SEC. 8. The city attorney, under the direction of the common council, shall have charge of and conduct all the legal business of the corporation, and in which it shall be interested, and shall be the legal advisor of the common council and of all the officers of the city upon all matters appertaining to the business of said city, and the enacting of its laws and ordinances, when submitted to him for his opinion. Whenever any moneys belonging to said city shall come into his hands he shall immediately pay the same into the city treasury. And he shall prosecute all offenses against the ordinances of said city.

Health officer,
duties of.

SEC. 9. The city physician shall be the health officer of said city. It shall be his duty to look after the sanitary condition of the city, and for such purpose may order the removal of any nuisance in said city twenty-four hours after the giving of a written notice to the property owner upon whose premises said nuisance exists, and may make complaint before any justice of the peace against any person for the unlawful maintenance of any nuisance in said city. As city physician, he shall treat all the dependent poor of said city who are in need of the services of a physician or surgeon whenever required by the chief of police or other person acting as overseer of the poor of said city.

To treat the
poor.

Chief of police,
powers and
duties of.

SEC. 10. The chief of police shall see that all by-laws and ordinances of the common council are properly and efficiently enforced. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all other able-bodied persons in the discharge of the duties imposed on him by law. With the advice and consent of the common council and subject to their approval he may appoint one or more deputies who shall have the same powers and perform the same duties as the chief of police, and for whose official acts he shall be in all respects responsible. And the chief of police and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of the State, as sheriffs or constables have by law to execute similar process. The chief of police shall also possess the powers of constables under the laws of this State, and have such other powers as are mentioned in this act, and shall perform such duties as are prescribed in this

May appoint
deputies.

Their powers.

Chief to have
powers of
constable.

act or as may be required of him by the common council from time to time. He shall also be overseer of the poor for said city and, as such, shall discharge the duties of overseer of the poor therein, and shall have the custody of all paupers residing therein, excepting county paupers, and shall have the disbursement of all moneys raised in said city for the support of city and county paupers under such regulations as the common council may provide. He shall make requisitions upon the city recorder for orders for money whenever the same may be required for the care and support of the poor of said city or the burial of deceased paupers therein, but not to exceed fifty dollars at any one time unless by vote of the common council. He shall make full report to the common council of all his doings as overseer of the poor and of all moneys disbursed and for what purpose, at the close of each month, which report shall be verified by his affidavit, be examined by a committee of the common council and filed if found correct. Before entering upon the discharge of the duties of his office the chief of police shall give a bond to the city for the faithful performance of his duties as chief of police and also a bond to the city for the faithful and honest discharge of his duties as overseer of the poor under the provisions of this act, both of which bonds shall be in such amount and with such surety or sureties as shall be fixed by the common council, before said officer shall enter upon the discharge of his duties.

To be overseer of poor.

To make requisitions for poor.

Monthly report, etc.

Bonds, etc.

SEC. 11. The superintendent of the water department shall also be street inspector, and also chief of the fire department. He shall have full charge of the running and operating of the water department of said city under such rules and regulations as shall be prescribed by the common council, and shall have full charge and control of the fire department under such rules and regulations and such ordinances as may from time to time be prescribed by the common council, and shall perform such other duties as shall be required of him by the common council. As street commissioner he shall have all the powers and authority and perform the duties prescribed for highway commissioners under township laws of this State, excepting as herein otherwise provided, and shall also perform such other duties as may be prescribed by the ordinances or laws of said city. He shall give a bond to the city in such sum and with such surety or sureties as shall be fixed by the common council, which bond shall be filed and approved by the common council, before he shall enter upon the duties of his office.

Superintendent of water department, etc., duties of.

As chief of fire department.

As street commissioner.

Official bond.

SEC. 12. The constables of said city shall have the same power and authority as is conferred by law upon constables in the townships of this State, and shall give the same security as is required by law of constables in townships in this State and they shall receive the same fees for their services as is provided by law for constables in townships and by the ordinances of the city.

Constable, powers and duties of.

SEC. 13. All other officers whose duties are not herein expressly prescribed and which the common council has

Other officers, etc.

authority to appoint, shall perform such duties, and give such security as the common council shall require, and shall be paid such compensation as shall be determined by the common council.

Compensation
of mayor.

Of aldermen.

Of recorder,
treasurer,
assessor, etc.

Of city attorney.

Of city physician.

Additional
compensation
prohibited, etc.

SEC. 14. The officers of the city shall receive compensation for their services as follows: The mayor shall receive one dollar per year and shall receive no other compensation except when he serves on the board of review where he shall receive such compensation as shall be fixed by the common council for each member of said board; the [aldermen] alderman shall serve without compensation, but when required to serve on any registration or election board shall receive the same compensation as other members of said boards; the recorder, treasurer, assessor, chief of police and superintendent of the water department shall be paid annual salaries to be fixed by resolution of the common council at the first meeting in May in each year, and they shall not be decreased during the term for which said officers were elected and shall not be increased except by the vote of five-sixths of all the aldermen of the city; the city attorney shall receive such compensation as shall be fixed by the common council; the city physician shall be paid such compensation as shall be determined from time to time by the common council. Neither the recorder, treasurer, assessor, or superintendent of the water department, shall receive any compensation except such as shall be fixed by the common council, unless otherwise provided in this act; and all fees collected by them shall be paid into the city treasury. The chief of police shall receive the fees allowed by law for the service of legal papers, in addition to the compensation fixed by the common council. The compensation of all members of boards of registration, election, review and assessment shall be fixed by the common council.

CHAPTER VI.

OF THE COMMON COUNCIL AND ITS POWERS.

Common council.

The mayor.

The recorder.

First meeting.

President pro
tem.

SECTION 1. The mayor, [aldermen] alderman and recorder of said city shall constitute the common council. The mayor shall preside at all meetings of the council but shall have no vote except in case of a tie, when he shall have the casting vote. The recorder shall attend all the meetings of the council and keep the records and act as the clerk thereof but shall have no voice or vote in its deliberations. The first meeting of the new common council in each year shall be held on the first Monday in May, at the common council room in said city.

SEC. 2. On the first Monday in May the common council shall elect from its number a president *pro tempore*, who shall, in the absence of the mayor, preside at the meetings of the council and exercise his other powers and duties. He shall have a vote upon all questions and in case of a tie shall have the casting vote.

SEC. 3. The common council in addition to the powers and duties specially conferred upon them in this act shall have the full management and control of the finances, rights and interests, buildings and all other property, real and personal, belonging to the city, and may sell and dispose of the same by conveyance to be executed by the mayor and recorder for said city and under the corporate seal of the city in accordance with the directions of the common council; and the common council shall have power within said city to enact, continue, establish, annul, amend and repeal such ordinances, by-laws, rules and regulations as they may deem necessary for the following purposes, viz.:

First, To restrain and prevent vice and immorality, gambling, noise and [disturbance] disturbances, disorderly conduct, and punish for the same, and prevent and quell riots, and to preserve peace and good order, and protect the property of the corporation and its inhabitants, and punish for injuries thereto, or for unlawful interference therewith; Additional powers of council.

Second, To prevent and punish vagrants, drunkards, and disorderly persons; Vice and immorality.

Third, To prevent and abate nuisances and punish those occasioning them, or neglecting or refusing to abate the same. And to prohibit and remove anything tending to cause or promote disease, and to determine and declare what shall be deemed nuisances; Vagrants.

Fourth, To prevent and suppress all disorderly houses and places, houses of ill fame and gambling houses, and to punish the keepers thereof; Nuisances.

Fifth, To regulate and license billiard tables, nine and ten pin alleys, or bowling alleys and to punish the keepers thereof. To prohibit and suppress every species of gaming, and to authorize the destruction of all articles and devices used for the purpose of gaming or in connection therewith; Disorderly houses, etc.

Sixth, To regulate places kept for the sale of malt, brewed, or fermented liquors, and to require all such places to be closed on Sunday, and upon such other days and during such hours of every night as the common council shall prescribe. But the common council shall not permit or allow any saloon or place for the sale of malt, brewed or fermented liquors to be operated, kept or maintained within three hundred feet of any public school house in said city; Billiard tables.

Seventh, To regulate, restrain, and prohibit all exhibitions of natural or artificial curiosities, caravans, circuses, theatrical exhibitions, and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received; Gaming.

Eighth, To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting or society or any other public meeting for any lawful purpose; Liquors.

Ninth, To regulate or prohibit the sale of goods, wares, property, or any other article at auction by any manner of public bidding or offers by the buyer or seller after the manner of auc- Exhibitions, circuses, etc.

tion sales. And to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue. And the common council shall have power to establish the office of city auctioneer under such regulations as they shall deem proper, and to prohibit auction sales by any other person except the city auctioneer;

Peddlers, pawn-
brokers, etc.

Tenth, To license hawkers, peddlers, and pawnbrokers, and hawking and peddling; and to regulate, license, or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any standing cart or vehicle, or any device in the street, highways, or in or upon the wharves, docks, open spaces or places, buildings or grounds in the city, or from any vessel or boat of any description lying at anchor or moored alongside any wharf or dock, or in any of the waters within the jurisdiction of said city;

Tugs, boats, etc.

Eleventh, To license and regulate the use of tugs and other boats used in and about the harbors and within the jurisdiction of the city;

Ferries.

Twelfth, To establish or authorize, license, and regulate ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe, from time to time, the charges and prices for the transportation of persons and property thereon;

Vehicles, etc.

Thirteenth, To regulate and license all vehicles of every kind used for the transportation of persons or property for hire in the city, and to prescribe, from time to time, the charges for the transportation of persons and property therein. To regulate and license all toll bridges within the city and to prescribe the rates and charges for passage over the same;

Toll bridges.

Inspection of
meats.

Fourteenth, To provide for and regulate the inspection of meats, poultry, fish, vegetables, and other provisions;

Of brick,
lumber, etc.

Fifteenth, To regulate the inspection of weighing or measuring of brick, lumber, fire-wood, coal, hay, and any article of merchandise;

Weights and
measures.

Sixteenth, To provide for the inspection of weights and measures, and to enforce the use of proper weights and measures by vendors;

Vaults, hydrants
etc.

Seventeenth, To regulate the construction, repair, and use of vaults, cisterns, hydrants, pumps, sewers and gutters;

Bathing.

Eighteenth, To regulate or prohibit bathing in the rivers or lakes, or other waters within the jurisdiction of the city;

Purity of waters,
etc.

Nineteenth, To provide for the clearing of the rivers and lakes within the jurisdiction of the city, of all driftwood and noxious matters, and to prohibit and prevent the deposit therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;

Dangerous
materials.

Twentieth, To regulate the keeping, selling and using of gun-powder and fire-crackers, and fire-works, and other combustible materials, and the exhibition of fire-works and the discharge of fire-arms; and to restrain the making or lighting of fires in the streets and other open places in the city;

Twenty-first, To prohibit, prevent and suppress every fraudulent device or practice, and to punish all persons managing, using, practicing, or attempting to practice, manage, or use the same, and all persons aiding therein; Frauds, etc.

Twenty-second, To license and regulate solicitors for passengers or for baggage, or for any public house or railroad, and also draymen, carmen, truckmen, porters, runners for cabs, coaches, carriages, sleighs, and vehicles of every other description used and employed for hire, and to fix and regulate the amount and rate of their compensation; Soliciting passengers, etc.

Twenty-third, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place, any pauper or any other person likely to become a pauper or charge on said city, and to punish therefor; Paupers.

Twenty-fourth, To provide for taking the census of the inhabitants of the city whenever the council shall see fit, and to regulate and direct the same; Census.

Twenty-fifth, To establish, regulate and maintain one or more pounds, and to restrain, prevent or regulate the running at large of horses, cattle, swine, geese or poultry or other animals, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding; Pounds.

Twenty-sixth, To license and regulate the running at large of dogs, to require them to be muzzled and to authorize their destruction when running at large in violation of any ordinance; Dogs.

Twenty-seventh, To regulate the location of all slaughter-houses and markets, and buildings for storing gunpowder and other combustible and explosive substances; Slaughter-houses, etc.

Twenty-eighth, To prevent the encumbering of streets, sidewalks, cross-walks, alleys, bridges, docks, wharves or slips, in any manner whatever. To determine and designate the [route] rout of any railroad to be built in said city, and to regulate the use of locomotives, engines and cars on the railroads within said city; Encumbering streets, etc.

Twenty-ninth, To compel all persons to build sidewalks in front of the premises owned or occupied by them. To establish the grade thereof and the width and style in which the same shall be constructed, and the material thereof, and to require such persons to keep the same in repair and clear from snow, ice, dirt, wood and all obstructions, and to provide in case any such person shall refuse or neglect to build said [sidewalks] sidewalk or keep the same repaired after proper notice thereof as shall be provided in said ordinance, that the city shall, in the manner [prescribed] prescribe by ordinance, build or repair the same, and make the costs thereof charges against the property in front of which the same shall be built or repaired or to provide for the recovery thereof by action of assumpsit in a competent court; Or sidewalks.

Thirtieth, To provide for and regulate the numbering of buildings; Numbering buildings.

- buildings upon the streets and alleys and to compel the owners or occupants of the buildings to affix numbers on the same;
- Telegraph poles, etc. *Thirty-first*, To regulate the placing and using of all telegraph, telephone, and electric poles and lights;
- Parks, etc. *Thirty-second*, To provide for public squares and parks, and make, grade and improve the same, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof;
- Fast driving. *Thirty-third*, To prevent horse racing and immoderate riding or driving in any street, and to authorize the stopping of any person who shall be guilty of any such driving or riding in any street;
- Fire limits. *Thirty-fourth*, To prohibit, restrain or regulate within such parts of the city as it may deem expedient the building, rebuilding, enlarging, repairing or placing of wooden buildings therein. And to regulate and establish the line upon which buildings may be erected upon any street or alley in said city, and to prevent such buildings being erected nearer the street than such line;
- Street line. *Thirty-fifth*, To establish a grade line for streets and sidewalks and the width and style of curbing on streets and to cause all streets, sidewalks and curbings to be constructed in accordance therewith.
- Grades, etc. *Thirty-sixth*, To prescribe the duties of all officers appointed by the common council, if not otherwise herein provided, and their compensation, and the penalty for failure to perform such duties; and to determine all bonds and sureties to be given by the officers of the city for the discharge of their duties, and to authorize and regulate the fees and costs to be charged by officers;
- Duties of officers, etc. *Thirty-seventh*, To fix and regulate the fees of jurors or witnesses or other officers in proceedings under this act or under any ordinance of the common council;
- Fees of jurors, etc. *Thirty-eighth*, To control, prescribe and regulate the manner in which the highways, streets, alleys, sidewalks, public grounds and places within said city shall be used;
- Use of streets. *Thirty-ninth*, To provide for, direct and regulate the planting of ornamental trees in said city, and provide for the preservation thereof;
- Shade trees. *Fortieth*, To establish, organize and maintain an almshouse, and provide for the necessary buildings therefor, either within or without the city limits, and to appoint the necessary officers therefor, and to provide for the government thereof;
- Alms-house. *Forty-first*, To establish buildings for a jail, work-house or house of correction for the confinement of offenders, and control and regulate the same, and to provide for the sentence and confinement in said jail, work-house or house of correction or in the county jail of the county of Muskegon or in any appropriate State institution at hard labor or otherwise of all persons liable to be imprisoned under this act or any ordinance of said common council, whenever convicted thereof by any court
- Jail, work-house, criminals, etc.

having jurisdiction over the same, and to compel any person confined in any such jail, work-house, or house of correction, in consequence of any violation of any ordinance of said city, to work at hard labor upon the streets and alleys of said city or in or upon the buildings and premises belonging to said city during the time the detention of said person is authorized in the places above mentioned;

Forty-second, To regulate the burial of the dead and to compel the procuring in proper form of burial permits; Burial of the dead.

Forty-third, To survey and establish the boundary lines of the city and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city, and to prohibit and remove all encumbrances upon the same by any building, fences or any [other] article or thing; Boundary lines, etc.

Forty-fourth, To preserve the salubrity of the waters of Muskegon lake, Bear lake and Bear creek or other waters within the jurisdiction of the city, and to have jurisdiction over the purity of said waters and to prevent the same from being filled with obstructions of any kind or character, and may appoint a harbor-master and regulate his duties and powers and fix his salary or other compensation; Salubrity of waters, etc.

Forty-fifth, The city may acquire by purchase within the limits of said city, or within the limits of the township of Lake-ton in the county of Muskegon, as the common council may determine, any lands which it shall consider to be necessary for the purpose of using and maintaining a cemetery, and may direct and regulate the use thereof, and make such rules and regulations as it shall deem necessary or proper for the care thereof; May purchase cemetery, etc.

Forty-sixth, It shall cause a correct map of such cemetery to be made and certified by the civil engineer who shall make the same, and shall approve and adopt said map and file a copy thereof in the office of the city recorder. And it may elect or appoint a sexton and provide for his compensation and define and determine his duties and powers and may regulate the price which shall be charged for burial lots within said cemetery, and may prevent the burial of the dead at any place within the limits of the city, except in such cemetery. Map of. Sexton.

SEC. 4. The common council shall have the power to assess, levy and collect taxes for the [purposes] purpose of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid. Power to assess taxes.

SEC. 5. The common council shall have power and it shall be their duty to adopt measures for the preservation of the public health of said city and to prevent the spread of any infectious or contagious disease, and to prohibit the practice of any dangerous avocation within the limits of the city. Public health.

SEC. 6. The common council shall have power to cause common sewers, drains, vaults, arches, bridges and reservoirs to be built in any part of said city, to build and operate water-works, electric lights or gas works, maintain a fire department and Sewers, drains, water-works, etc.

- Highways, etc. appropriate money for such purposes. It shall have power to establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, alleys and public grounds or spaces within said city and to grade, pave, repair, and otherwise improve highways, streets, avenues, lanes or alleys and crosswalks and sidewalks within said city.
- Judge of qualification and election of members. SEC. 7. The common council shall be judge of the election and qualification of its own members, and it shall hold regular and stated meetings at such times and in such place as it shall determine. The mayor, or any two [aldermen] alderman, may call special meetings of the common council by notice to be given to the several [aldermen] alderman at least two hours before the time for the meeting.
- Special meetings.
- Meetings to be public. SEC. 8. The meetings of the common council shall be public unless in the judgment of said council it shall be for the best interests of the city to have any portion of a certain meeting secret, in which case it shall be within the power of the council to so order. A majority of the [aldermen] alderman of the city shall constitute a quorum, but a less number may meet and adjourn, and may compel the attendance of absent members under such regulations as shall be determined by ordinance.
- Quorum.
- Who may take part in meetings. SEC. 9. The city attorney, city physician, chief of police and superintendent of the water department may attend and take part in all meetings of the common council, but without the right to vote, and the common council may compel the attendance of any such officer at any meeting of said council after a proper notice; and the refusal to attend by any such officer after such notice without good cause, shall be deemed to be sufficient cause for his removal by the mayor as hereinbefore provided.
- Standing committees. SEC. 10. The common council may by ordinance or resolution provide for the appointment of standing committees of its members who shall have charge of such matters as shall be referred to them. They shall be appointed by the mayor.
- To audit accounts, etc. SEC. 11. The common council shall audit and allow all accounts chargeable against the city, but no account shall be allowed for the purchase of any article of any kind or character unless there shall be attached to said account the certificate of the official agent or employé of said city who shall have ordered the said article to be purchased. And no account shall be allowed for any labor or services performed for said city except regular salaries, unless the official or agent of said city who ordered or directed said labor or services to be performed shall certify that the labor or services set forth in said account were actually performed by the person rendering said account. All the claims for damages against said city growing out of the negligence or default of said city or of any of its officers or employés, shall be presented to the common council accompanied by an affidavit setting forth the nature of the negligence complained of, and the nature and extent of the injury and the amount of damage claimed from the city, and for the purpose of examina-
- Claims for damages.

tion into said claim the common council may take a reasonable time, not exceeding two months. And in any action in any court upon any such claim the claimant shall be required to show that such claim has been duly presented to said common council in the manner above set forth for audit, adjustment and allowance; and without such proof such action shall fail, and such claimant barred from recovery. All salaries shall be paid monthly after being duly audited and allowed by the common council.

Salaries paid monthly.

SEC. 12. The common council is hereby authorized to perform the same duties in and for said city as are by law imposed upon township boards of the townships of this State in reference to schools, public library and school taxes and highway, county and State taxes, and in reference to the support of the poor of said city, except as may be herein otherwise provided, and in reference to district, State, county and other [elections] resolutions.

Other duties of council.

SEC. 13. The city of North Muskegon shall have power to take, accept and hold any real or personal estate whether by gift or bequest or devise for any purpose connected with the parks, cemeteries or public grounds of said city or for any public institution or charity; and when accepted it shall be the duty of the common council to use and appropriate the same for the uses and purposes mentioned in the instrument giving, granting or devising the same, and for no other purpose.

May hold real and personal estate.

SEC. 14. All moneys received by said city for fines, penalties and forfeitures and for fees shall be disposed of as the common council shall direct.

Disposition of fines.

SEC. 15. The style of all ordinances of the common council shall be "The common council of the city of North Muskegon ordain," and all ordinances shall require for their passage the concurrence of the majority of all the [aldermen] alderman elect, and the time when any ordinance shall take effect shall be prescribed therein, and no ordinance which prescribes a fine or imprisonment as a penalty for violation thereof shall take effect in less than ten days after its first publication. When any ordinance is first presented to the common council for passage it shall be read at full length and then, without further action being taken, shall lay over for at least one week, and then may be taken up at a regular or special session and acted upon. Amendments to such proposed ordinance may be offered either at the first reading or at the time of passage. Immediately after the passage thereof all ordinances shall be presented to the mayor or acting mayor for his signature. If approved by him [he shall sign such ordinance, if disapproved by him,] he may veto the same within twenty-four hours by filing his reasons in writing with the city recorder. No ordinance or resolution passed by the common council shall have any force or effect if within twenty-four hours after its passage the mayor or acting mayor shall lodge in the office of the city recorder his reasons why the same should not go into effect. But the common council at its next meeting held after the filing of

Style of ordinances.

When to take effect.

Mayor to approve.

May pass over veto.

Mayor has power to veto separate items.

Ordinances to be filed with recorder.

Certain ordinances to be published.

To be prima facie evidence.

Other ordinances may be published.

May prescribe penalties.

such veto may pass said ordinance or resolution by a [vote] five-sixths of all the [aldermen] alderman elect, in which case said ordinance or resolution shall take effect the same as though it had not been vetoed by the mayor [or acting mayor,] but said mayor shall have the power to veto any separable or distinct part of any ordinance or resolution, in which event the part or portion so vetoed shall not go into effect except it be repassed in the manner in this section provided. But the remainder thereof shall go into effect the same as though no veto had been interposed.

SEC. 16. All ordinances when finally executed shall be immediately filed in the office of the city recorder who shall enter the same at large in a separate book to be kept for that sole purpose, and known as the "Ordinance Book of the city of North Muskegon," and in the minutes of the common council of the meeting at which such ordinance was passed there shall be reference to the entry of said ordinance in the ordinance book with the page or pages on which the same is entered, but said ordinance need not be spread at large on the records of said council.

SEC. 17. Within one week after the passage of any ordinance for which a penalty by fine or imprisonment shall be provided for the violation thereof, it shall be published in some newspaper circulated in the city of North Muskegon and said publication shall continue for two issues of said paper. An affidavit of the publisher of such newspaper showing the publication of such ordinance shall be procured and attached to such original ordinance and remain on file with the city recorder; and such affidavit shall be *prima-facie* evidence of the legal publication of such ordinance. And all ordinances of the common council printed and published by its authority shall in all courts and places and proceedings be received without further proof as *prima-facie* evidence thereof and [of] their legal enactment and publication. And in all courts having authority to hear, try or determine any matter or cause arising under the ordinances of the city, judicial notice shall be taken of the enactment, existence and publication of all such ordinances and of their continuing force. The common council may cause any other ordinance or resolution to be published when it deems it for the best interests of said city so to do, and shall in case publication of any ordinance or resolution, not required to be published by this act, shall be ordered by the common council, it shall be published in the same manner as herein provided for other ordinances and proof thereof shall be made in the same way and with like effect.

SEC. 18. When by the provisions of this act the common council has authority to pass an ordinance for any purpose, it may prescribe a fine or penalty not exceeding one hundred dollars unless a greater fine or penalty is herein authorized, or imprisonment not exceeding three months [or both] in the discretion of the court, together with the costs of prosecution

for each violation of any ordinance. And may provide that the offender on failing to pay such fine or penalty and the costs of prosecution may be imprisoned in the county jail of Muskegon county or in the jail or work-house of said city of North Muskegon or the Detroit House of Correction for a term not exceeding ninety days.

SEC. 19. The common council shall have [the] power to remit taxes [or] on any special [assessments] assessment in said city on account of the inability of the person liable for said taxes or assessments to pay the same by reason of poverty or misfortune. May remit taxes.

SEC. 20. The common council shall also have the power and authority to enter into a contract with the owners of manufacturing or industrial enterprises, or any person or corporation contemplating location in said city for the carrying on of any manufacturing or industrial business and which will contract to employ in its business an average of not less than twenty-five [persons] person daily during the working days of the year, to exempt said owners, persons or corporations from taxation for all city and school purposes and from payment of water rates, upon their plant for manufacturing purposes and the personal property which is the product thereof, and upon the raw materials which are kept in stock to be manufactured in said plant, for not to exceed ten years after the date of said contract: Power to contract with owners of manufacturing enterprises, etc.

Provided, That the council before entering into any such contract shall submit the matter to a vote of the taxpayers of said city at a special election to be held for that purpose only. Provide as to vote of taxpayers. The common council, if it decide to submit any such proposition to a vote of the people of said city, shall by resolution appoint a time and place in said city for the holding of said election, and in said resolution shall also direct the recorder of said city, to cause to be posted in five public places in each ward of said city a notice, either written or printed, at least ten days before said election, stating the time and place of said election, and stating the object of said election to be to vote upon the question whether the common council shall enter into contract to exempt for a term of years, to be stated therein, [a certain] ascertain person, copartnership or corporation organized or to be organized, and giving the name of said person, copartnership or corporation, upon the establishment in said city by said person, copartnership or corporation of a plant for the manufacture of some commodity which shall be named in said notice. The [aldermen] alderman in each ward whose term of office shall soonest expire, together with two taxpayers and electors of said city to be appointed at said meeting, shall constitute a board of inspectors and canvassers for said election, and shall have full charge of the said election. Inspectors and canvassers. They shall, before entering upon the duties of their offices, take the constitutional oath of office, and shall organize by electing from their number a chairman, who shall be the person to receive the ballots from the electors, and a clerk who shall keep the poll list. Polls. The polls at said election

shall be opened at eight o'clock in the forenoon and remain open continuously till seven o'clock in the afternoon. All ballots cast shall be either written or printed and ballots in proper form shall be supplied by the city [recorder] recorded at the expense of the city. The ballots shall be in the following form: "For the contract—Yes" [and] "For the contract—No," and an ample supply of both kinds shall be furnished. After the closing of the polls and without recess or adjournment, the board of inspectors shall publicly canvass the votes cast in the same manner as at other elections, and shall publicly declare the number of ballots cast, and the number of each kind, and shall before adjournment make a certificate thereof, which shall be signed by all of the inspectors and filed at once with the recorder of said city who shall securely attach the same to a copy of the notice of said election and report the same to the common council at a special meeting to be held the day following said election, or as soon thereafter as may be, and said notice and certificate shall be entered at large upon the records of said meeting. If at the said election the majority of votes cast shall be "For the contract—No," that shall end the matter; but if the majority of said votes shall be "For the contract—Yes," then the common council may, by resolution, instruct the mayor and recorder to execute a contract in accordance with the first resolution of the council and with the vote at said election, for and in behalf of the common council and the city; and such contract when so executed and delivered shall be [binding] building upon the city. Said contract shall recite at full length the notice for said special election, and said certificate of the inspectors of said election, and said resolution instructing the mayor and recorder to execute said contract and, after stating the body of said contract particularly, shall provide that should the person, copartnership or corporation or their heirs, assigns or successors for any reason, during the term of said contract, suspend the operation of said plant for a period of more than ninety days in any one calendar year, or shall reduce its working force of employes or laborers within and about its plant in said city to less than twenty-five persons, then the common council may, by resolution, declare said contract no longer binding on said city, and direct the assessment and taxation of the property included within the terms of said contract the same as other taxable property in said city. And the adoption of such resolution in proper manner shall operate to wholly cancel said contract and destroy its binding force upon all parties thereto. No tax or assessment levied for city or school purposes in said city shall be invalid by reason of said contract having been executed, nor by reason of the fact that the property mentioned in said contract and included within its terms, is not made to bear any part or portion of such taxes or water rates.

Water-works. SEC. 21. The common council shall exercise all powers necessary to enable it to establish and maintain a water department in said city and shall, by ordinance, fix the water rates

and provide for the time when the same shall be paid and the manner of certifying to the city treasurer the persons chargeable therewith and the penalty for non-compliance therewith.

SEC. 22. The common council shall have the power to grant franchises for the use of the streets and alleys in said city for street railway purposes and for the establishment of lines for electric lights, telegraph and telephone lines and to companies for manufacture and distribution of gas for illuminating or other purposes, and for any other public purpose for the advancement of the interests and welfare of said city under such terms and regulations as it shall impose. It shall also have the right to grant to any company or corporation a franchise to build, erect and maintain a toll bridge from any point in said city to be designated in said franchise, and out into Muskegon lake or Bear lake as far as the jurisdiction of said city extends, and regulate the same.

Street railways,
electric lights,
etc.

Toll bridges.

SEC. 23. The common council shall have the right to fix the names of the streets and avenues [in] of said city, and may alter the same, and may provide for a record thereof to be made and preserved in the office of the recorder of said city.

Names of streets,
avenues, etc.

SEC. 24. The common council shall have the right to order a resurvey to be made of said city and of all streets, alleys, lanes and public grounds therein and to renumber the lots and blocks of the city and to order the same to be replatted, rename the additions and subdivisions, and may cause a map thereof to be made by some competent person, and may adopt said map and, when adopted, said map shall be filed in the office of the city recorder and a copy thereof be filed in the office of the register of deeds of said county. And upon the adoption of said map by the common council of said city it shall be the authentic and legal map of said city, shall be used by the assessor in making all assessments and shall be admitted in evidence in all courts without further proof than proof of its adoption by the common council, or of its filing, if it is the copy offered, in the office of said register of deeds.

Resurvey.

SEC. 25. The common council of said city may designate and appoint any one of the justices of the peace of said city whose term of office will not expire that year, to be and act as police justice and he shall give a bond to the city of North Muskegon in such sum and with such sureties as the common council shall determine, conditioned upon the faithful performance of his duties, and said bond shall be approved by the common council and filed in the office of the city recorder before he shall enter upon the duties of his office and said justice shall faithfully account for all moneys coming into his hands as police justice, belonging to the city and pay the same into the city treasury at the end of every month.

Police justice.

SEC. 26. Such police justice shall, except in his absence or inability to act, have exclusive jurisdiction to hear, try and determine all prosecutions under the ordinances of the city and to hear, try and determine all actions for the recovery of fines, penalties or forfeitures for violation of any of h ordi-

To have exclusive
jurisdiction of
certain cases

nances of said city and to punish offenders for the violation of any ordinance as in said ordinance prescribed.

Vacancy in office
of police justice.

SEC. 27. In case of sickness of the police justice or his absence from the city or his inability for any other cause to discharge the duties of his office, or in case of a vacancy in said office, any other justice of said city shall be competent to discharge the duties of said office.

CHAPTER VII.

ENFORCEMENT OF ORDINANCES.

Penalties may
be sued for.

SECTION 1. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision in said ordinance shall be made for the imprisonment of the offender, such penalty or forfeiture may be recovered in an action of debt or assumpsit before any court of competent jurisdiction, and whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance the same may be recovered in one of the actions aforesaid in any court of competent jurisdiction. Such action shall be brought in the name of the city of North Muskegon and be commenced by summons. And all proceedings connected therewith shall, except as otherwise provided herein, conform with the proceedings under the laws of the State in actions of assumpsit. And upon rendition of judgment execution shall issue thereon in like manner as in actions of assumpsit in this State.

Action to be in
name of city.

Execution
shall issue.

Prosecutions to
be by warrant.

SEC. 2. Prosecutions for violations of the ordinances of the city, in other cases, shall be commenced by a warrant for the arrest of the offender. Such warrant shall be in the name of "the people of the State of Michigan," and shall set forth the nature and substance of the offense complained of and be substantially of the form, and be issued upon a complaint made, as provided by law in criminal cases cognizable by justices of the peace. And all the proceedings relating to the arrest, custody and trial of the accused and the attendance and testimony of witnesses and rendition of judgment and execution thereon shall, except as otherwise provided by this act, be governed by, be and conform to the proceedings in this State in criminal cases cognizable by justices of the peace.

Proceedings.

In case of
conviction.

SEC. 3. If the accused shall be convicted the court shall enter judgment thereon and inflict such punishment either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance as the nature of the case may require, together with such costs of prosecution as the court shall order. Every such judgment shall be executed by a warrant of commitment specifying the particulars of the judgment, and shall issue forthwith and may be executed by any sheriff, constable, chief of police or deputy.

Commitments.

Use of county
jail.

SEC. 4. The city of North Muskegon shall be allowed the use of the county jail of Muskegon county for the confinement of persons liable for imprisonment under the ordinances

thereof, or under any of the provisions of this act. And the sheriff or keeper of such county jail shall receive and safely keep any person committed thereto, as aforesaid, until lawfully discharged.

SEC. 5. It shall not be necessary in any suit, proceeding or prosecution for the violation of any city ordinance to set forth such ordinance or any portion thereof in any complaint, warrant, process or pleading therein. And such ordinance shall be sufficiently stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially with reasonable certainty as to the time and place, the nature of the offense complained of, and to allege the same as a violation of an ordinance of said city referring thereto by its title and the date of its passage or approval. Cause of action,
how set forth.

SEC. 6. In all prosecutions for any violation of any ordinance of said city, either party may require a trial by jury, and such jury shall be selected in the same manner, and all proceedings in relation thereto shall be conducted after the same manner as in criminal cases in this State cognizable by justices of the peace. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the said city is a party or interested, on account merely of such interest as he may have, in common with the other inhabitants of the city, in the result of the case. And any person convicted of violation of any ordinance of said city may remove the same into the circuit court for the county of Muskegon by appeal or writ of *certiorari*, and all proceedings thereon shall conform to the proceedings in similar cases in other criminal actions over which justices of the peace have jurisdiction. Trial by jury.

SEC. 7. All moneys collected for fines for violation of any ordinance shall be paid into the city treasury and accredited to the contingent fund. A justice of the peace receiving any such fines shall account for [and] any pay the same over to the city treasurer each month, and any justice of the peace refusing or neglecting to pay over the same within one month after the receipt thereof shall be deemed guilty of a misdemeanor and be punished therefor, and he shall also be deemed a defaulter. Fines to be paid
into city treasury.

SEC. 8. All process issued by any justice of the peace to enforce or carry into effect any ordinance of the [city] of North Muskegon shall be directed to the chief of police of the city of North Muskegon and may be executed by him or his deputy or by any constable or sheriff of said county in any part of the State, and shall be returnable the same as any other similar process issued by justices of the peace. Process, how
directed.

SEC. 9. All processes issued against said city shall run against the city in the corporation name thereof and shall be served by leaving a tested copy of the same with the mayor or recorder. Process to run
against city.

CHAPTER VIII.

ASSESSMENT AND COLLECTION OF TAXES.

Duty of assessor. SECTION 1. The assessor of said city shall in each and every year make and complete an assessment roll of all the real and personal property in said city, and shall have his assessment roll all completed in proper form on or before the first day of June in each year, and in so doing shall, in all respects except as otherwise provided in this act, conform to the provisions of law governing the acts of supervisors in the several townships of this State in the assessment of property and the levying of taxes. He shall deliver his assessment roll into the hands of the board of review on the first Monday in June in each year for the purpose of examination and adjustment by said board of review as provided by law.

Board of review. SEC. 2. The assessor and mayor of said city and three electors, one of whom shall be from each ward, and all of whom shall be taxpayers, to be nominated by the mayor and confirmed by the council on the first Monday of May in each year, shall constitute a board of review of assessments for said city. The recorder shall give notice of the meeting of the board of review stating the time and place, by either written or printed notices to be posted in three public places in each ward of said city at least five days prior to the first Monday in June in each year. No alderman of said city shall be a member of said board of review. The members of said board shall be paid such sum for their services as shall be determined by the common council, and shall take the constitutional oath of office; and they shall organize on their first meeting by electing a chairman and secretary thereof from their number. It shall be the duty of said board to meet on the first Monday of June in each year in the common council room, and to remain in session six hours each day for at least three consecutive days. Said board of review shall have all the powers and perform all the duties required of a board of review in organized townships in this State. The judgment and decision of said board as to all matters submitted to it under the provisions of this act, and under the general tax law of this State, shall be final and conclusive, and shall not be subject to review by any court.

Notice of meeting of.

Alderman not to be member of.

Compensation, etc.

When to meet.

Power of.

Assessor to make two copies of roll. SEC. 3. When the board shall have reviewed and corrected the assessment roll of said city, it shall be the duty of the assessor of said city to make two exact copies of said assessment roll, as reviewed, altered and corrected by said board of review, which said roll the said board of review shall adopt at a meeting thereof, to be called by the chairman of said board. And it shall be the duty of the secretary of said board to attach his certificate to each of said assessment rolls showing that the same has been duly revised and corrected, and said rolls shall be and remain the assessment rolls of said city for the purpose mentioned in this act.

Secretary to attach certificate.

SEC. 4. On or before the first day of July in each year, the recorder of said city shall certify to the assessor the aggregate of all sums which the common council require to be raised by general taxation in said city for all city purposes and for school, library and school-house purposes, and at the same time he shall certify to the assessor in addition to the aforesaid sums, all the amounts which the council require to be assessed or reassessed in any street, district, main or special sewer, or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment, or otherwise, within said city, for any unpaid special assessment, or for any lien or charge, created against any person, or upon any parcel of land, under any ordinance, order, or resolution of the common council, together with a designation of the district and description of the lands or persons, upon or within which, the several sums are to be assessed or reassessed.

Recorder to
certify taxes to
assessor.

SEC. 5. The assessor of said city during the month of July in each year shall levy in one of the assessment rolls so made as aforesaid, upon all of the taxable property of said city, except as hereinafter provided, the amount certified to him by the recorder of said city to be raised by taxation for city, school, and library purposes, placing the city tax in one column, and the school, library, one mill and school-house tax in another column, and shall also levy in the same roll upon [the] lands, property and persons chargeable therewith all special assessments and sums reported to him by the recorder as provided in the last preceding section for assessment or reassessment in street districts, or for other special assessments, placing all such taxes in a column of special assessments. He shall also assess in said roll all special assessments for any purpose, returned to him as delinquent in any special assessment roll, to be placed in a separate column to be entitled "Delinquent Special Assessments," and the aggregate of taxes shall be placed in the last column of the roll. The several general funds mentioned in section three of chapter ten of this act shall be assessed in [the] aggregate under the head of "City Taxes," and in a separate column so headed. All special assessments shall be assessed separately, and in a column headed "Special Assessments." In all other respects, except as in this act otherwise provided, the assessment roll shall be made in accordance with the provisions of the general law of this State. The assessor upon completing the said roll, shall certify to the city recorder the amount of taxes levied in his roll for city and school taxes, special assessments and other purposes; and the recorder shall charge the amount thereof to the city treasurer. On or before the first day of August following, the assessor shall deliver a certified copy of said assessment roll, with the taxes entered therein as aforesaid, to the city treasurer, with his warrant for the collection of the taxes therein, annexed thereto.

Assessor to
levy taxes.

Special assess-
ments.

Delinquent
assessments.

General funds,
how assessed.

Certify same to
recorder.

Certified copy
to be delivered
to treasurer.

SEC. 6. The warrant annexed to such roll shall command the city treasurer to collect from the several persons named in the said roll, the several sums named in the last column thereof,

Warrant, what
to contain.

Powers and
duties of
assessor.

Treasurer to
give notice on
receipt of roll.

When fees
added.

What fees to
collect.

To collect
interest.

Taxes uncol-
lected.

opposite their respective names, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on or before the first day of November then next, and the warrant shall authorize the treasurer in case any person shall neglect to pay his tax, to levy the same by [dis-
train] distraint and sale of the goods and chattels of said person. The assessor shall have such powers and perform such duties not herein particularly enumerated as are conferred by the general tax law of the State upon supervisors.

SEC. 7. Upon receiving the tax roll as above provided, the city treasurer shall give notice immediately in such manner as the common council shall direct to the taxpayers of the city that such roll had been delivered to him and that the taxes levied therein may be paid to him at his office at any time before the first day of September following, without charge for collection, but that two per cent collection fees will be charged and collected upon all taxes remaining unpaid on the first day of September. It shall be the duty of the city treasurer to be at his office from nine o'clock in the forenoon to five o'clock in the afternoon on Fridays and Saturdays of each week between the first day of August, and the first day of September and on Friday at the same hours, from the first day of September to the first day of October in each year for the collection of taxes, and it shall be his duty to state that he will be in his office together with the location of his office, at such times, in the notice to be given to the taxpayers of the city as hereinbefore provided. He shall collect for fees three per cent upon all taxes paid to him upon and after the first day of October on said roll except as herein otherwise provided. Upon all delinquent special assessments the treasurer shall collect interest at the rate of eight per cent per annum on the amount of the special assessment, from and after said assessment was returned delinquent, in addition to the collection fee herein provided in such cases and said interest and collection fee shall be a charge upon the property.

SEC. 8. If the city treasurer shall be unable to collect any of the taxes on such roll assessed on real property before the thirty-first day of October in each year, he shall make a statement of the same with a full and perfect description of such property with the taxes upon each parcel thereof which statement shall be verified by his affidavit that such taxes remain unpaid, and that he has not upon diligent inquiry been able to secure any goods or chattels liable to pay such sums whereupon he could levy the same. And he shall also make a statement showing the taxes upon personal property remaining unpaid, and the names of the persons against whom they are assessed and the amount against each. Which statement he shall verify by his affidavit that the sums so mentioned as uncollected remain unpaid and that he has not been able after diligent inquiry to discover any goods or chattels belonging to the person liable to pay such sums, whereupon he could levy the same. He shall also make a statement showing the

amount of all moneys collected by him on account of taxes on said roll, which statement he shall verify by his affidavit.

SEC. 9. The statements made, as in the last preceding section provided, together that the said tax roll shall be delivered by the treasurer to the assessor of said city, on or before the tenth day of November, and the said assessor shall give his receipt therefor to the city treasurer, and shall immediately compare such statement with the said tax roll, and if he finds the same correct, he shall add to each of them a certificate showing that he has examined and compared such statements with the said tax roll and found them correct, and shall file such statement in his office.

Statement to assessor.

SEC. 10. The assessor of said city at the time and in the manner provided by law for the levying of taxes in townships shall levy in the second roll provided for in section three of this chapter and upon all of the taxable property of said city, the amounts necessary to be raised in said city for State and county taxes. The levy of such taxes shall be in accordance with the provisions of law governing the levying of such taxes in townships except as herein otherwise provided. The assessor shall also add to such roll all amounts for delinquent city, school, school-house, one mill, library, and special city taxes and delinquent special assessments in any roll returned to him by the city treasurer as hereinbefore provided. Such taxes shall be placed upon said roll in the proper columns in the manner specified in section five of this chapter. The assessor upon completing such roll shall certify to the city recorder the amount of taxes levied in his roll for State and county purposes, the amounts levied therein for the city and school taxes, special assessments and other purposes, and the recorder shall charge the amount to the city treasurer. On or before the first Monday in December the assessor shall deliver a certified copy of such assessment roll with the taxes entered therein as aforesaid, to the city treasurer with his warrant for the collection of the taxes therein, annexed thereto.

Assessor to levy State and county taxes.

To add certain delinquent taxes.

Certify same to recorder.

Warrant of collection.

SEC. 11. The warrant annexed to said roll shall state the several amounts levied therein to be paid into the State and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in the said roll, the several sums named in the last column thereof opposite their respective names and to pay over and account for all moneys collected and specified in the roll as in said warrant directed on or before the first day of February then following, and the warrant shall authorize the treasurer in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person. The time for the collection of the taxes of said roll, may be extended by the common council not exceeding one month.

What warrant shall state.

Extension of time.

SEC. 12. Upon receiving the tax roll aforesaid, the city treasurer shall give notice immediately to the taxpayers of said city in such manner as the common council shall direct, that such roll has been delivered to him and that the taxes therein

Treasurer to give notice on receipt of roll.

Fees to collect.

Other powers
and duties.

Of delinquent
taxes.

When rolls to
be given to
treasurer.

When given to
other person.

levied may be paid to him at his office between nine o'clock in the forenoon and nine o'clock in the afternoon of each Friday, until the first day of February following, and shall state in said notice the location of his office. And said treasurer shall remain in his office for the purpose of collecting said taxes on each Friday from the time he receives said tax roll until the first day of February following from nine o'clock in the forenoon to five o'clock in the afternoon. The following fees shall be charged and collected by the city treasurer upon all taxes levied in the [said] tax roll, viz.: State and county taxes paid on or before December thirty-first a collection fee of one per cent; and upon all other taxes on said roll paid on or before that date, a collection fee of four per cent, upon all State and county taxes remaining unpaid on the first day of January, [a collection fee shall be charged of four per cent; and upon all other taxes on said roll remaining unpaid on the first day of January,] a collection fee of five per cent shall be paid. All fees and interest collected by said treasurer shall be paid into the city treasury for the benefit of the contingent fund. The treasurer shall have such other powers and perform such other duties not herein particularly enumerated as are conferred upon township treasurers by the general tax law of this State.

SEC. 13. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes, assessments ordinary and extraordinary, all special assessments and all charges created, ordered or levied in the city of North Muskegon to be returned as delinquent to the county treasurer. And as to all such taxes returned as aforesaid, the city shall be considered and treated as a township, and all provisions of law for the sale of lands for the non-payment of taxes levied for State, county and township purposes, returned delinquent, shall apply to the return and sale of property for unpaid or delinquent taxes and assessments both ordinary and extraordinary and all charges created, ordered or levied in the city of North Muskegon except as herein otherwise provided.

SEC. 14. The tax rolls with the warrants attached as above provided shall be delivered to the city treasurer in the manner above specified, provided security has been given by such city treasurer as is required by law or as provided for in this act. And if such security shall not have been given by the city treasurer in the manner and within the time required, the common council shall immediately appoint some suitable person who shall give the required security to collect the taxes spread on such roll and the person so appointed shall thereupon be entitled to receive said tax rolls and shall collect and pay over such taxes and may return all his doings thereon in the same manner and shall have all the powers and perform all the duties and be subject to the same liabilities as in this act conferred upon the city treasurer. The city treasurer, or person authorized to collect taxes as herein provided may, in his discretion, proceed to collect the personal taxes spread upon said roll at any time after the delivery of said rolls to him.

SEC. 15. No general or special tax or special assessment or charges created, ordered, or assessed in said city upon any property therein shall be illegal or invalid for any matter of form not affecting the merits of the case, and which shall not injure or prejudice the rights of the person assessed, and all taxes and assessments both ordinary and extraordinary and all charges created, ordered and assessed in said city shall be presumed to be legally assessed until the contrary is affirmatively shown. And no such presumption shall be rebutted or any sale for taxes assessed in said city rendered invalid by showing that any paper, certificate, return, or affidavit required to be made and filed in any office is not to be found in the office where the same ought to be found or filed, but until the contrary is proved the presumption shall be in all such cases that such paper, certificate, return or affidavit was regularly made and filed in the proper office according to law. Legality of taxes.

SEC. 16. The common council shall have power to assess and collect from every male inhabitant in the city over the age of twenty-one and under the age of fifty years, except paupers, idiots and lunatics, and other persons who are by law exempt, an annual capitation or poll-tax not exceeding one dollar, and the common council may provide by ordinance for the collection of the same. Poll-tax.

CHAPTER IX.

SPECIAL ASSESSMENTS.

SECTION 1. The cost and expense of the following improvements including the necessary land therefore, viz.: For city hall and other public buildings and offices for the use of the city, engine houses and [structures] structure for the fire department, for water-works, market houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, public wharves and landings, lands appropriated for streets and rights of way, shall be paid from the proper general funds of the city; except that in case of lands appropriated for streets and rights of way, the cost of which may be paid in all, or in part from the avails of special assessments to be levied therefor in the manner herein prescribed, whenever, in the opinion of the common council, the benefits thereof are special, rather than general or public. The costs and expenses of any such local or public [improvement] improvements may be defrayed in all, or in part, by the special assessment upon lands fronting on, and adjacent to, or in otherwise benefited by the improvements, such [assessment] assessments may be made in the manner hereinafter specified. When to be paid from general fund.

SEC. 2. For the purpose of making any special assessment the common council may designate and appoint two of the aldermen of [said] the city, who, together with the city assessor shall constitute a board of assessors. Before entering upon the discharge of their duties they shall make and file with the city recorder an oath, faithfully and impartially to Exceptions.
Special assessments.
Board of assessors for.

	discharge their duties in making such [assessment] assessments. The compensation of the aldermen while acting on such board of assessors, shall be fixed and paid by the common council.
Duty of council.	SEC. 3. Whenever the common council shall determine to make any necessary public improvements or repairs, and defray the whole or part of the expenses thereof by special assessment, it shall so declare by resolution stating the improvement, and what part or portion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be paid from the general fund, or from street district funds of the city, and it shall designate the district of the lands and premises upon which the special assessment shall be levied.
Estimates of expense.	SEC. 4. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the common council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the location to be improved, and file with the recorder of said city for public examination; and
Notice of.	they shall give notice of the proposed improvements or work, and of the district to be assessed therefor, by written or printed notices thereof, to be posted in three public places in said district, stating the character of said proposed improvement, and the district to be assessed therefor, and the time when the council will meet to hear objections thereto, for at least two weeks before the time appointed by the common council to meet and consider objections; and the common council shall meet on the
If owners object.	day appointed by it for said purpose. If the owners of more than one-half of the property to be assessed shall appear and object thereto, no such [improvements] improvement shall be made unless the common council shall, by a five-sixths vote of the aldermen elect, order such improvements to be made.
Cost to include, etc.	The cost and expense of any improvements shall include the cost of surveys, plats, assessments and cost of construction.
Limit of.	In no case shall the whole amount to be levied by a special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land as valued and assessed for general taxation in the last preceding assessment roll. Any cost exceeding that percentage, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city. No special assessment to defray the estimated cost of any improvement shall be levied before the letting of the contract for the making of such improvement.
Excess to be paid from general fund.	SEC. 5. Whenever the common council shall by resolution direct any special assessment to be made, they shall direct the same to be made by the persons named in section two of this chapter, and shall state therein the amount to be assessed and according to frontage or benefit, and describe and designate the lots and premises constituting the district to be assessed.
Who to make.	SEC. 6. Upon receiving such order and direction the assessors shall make an assessment roll, entering and [describing]
Assessors to make roll.	

designating therein all [the] lots, premises and parcels of land to be assessed and the valuation thereof, and the names of the persons, if known, chargeable with the assessment thereof, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the council and the provisions of this act, applicable to the assessment; and when such assessment roll is completed they shall report the same to the council.

SEC. 7. If the assessment is required to be according to the frontage they shall assess to each lot or parcel of land such relative proportion of the whole amount to be levied as the then length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for an additional number of feet would be more equitable. If the assessment is directed to be according to the benefits, they shall assess upon each lot such relative proportion of the whole sum to be levied as shall be proportioned to the estimated [benefit] benefited resulting to such lot from the improvement. Assessment, how made.

SEC. 8. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises, which, by the provisions of this act, the common council is authorized to charge and collect a special assessment against, the same not being of that class of special [assessments] assessment required to be made *pro ratio* upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or the person performing the labor or services, with the description of the lot or premises upon which, or in respect to which, the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the common council in such manner as the common council shall prescribe. In case of single lot or parcel.

SEC. 9. The common council shall determine what amount or part of any such expense shall be charged, and the person if known, against whom, and the premises upon which, the same shall be levied as a special assessment; and as often as the common council shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith respectively, to be reported by the recorder to any board of assessors appointed for that purpose for assessment, or the same may be reported to the city assessor for assessment in the next general assessment roll for said city. Council to determine amount, etc.

SEC. 10. Upon receiving the report mentioned in the preceding section, the board of assessors, after appointment as aforesaid, shall make a special assessment roll and levy as a special assessment therein upon each lot or parcel of land so reported against the person chargeable therewith, if known, the whole amount or amounts of all charges so directed as aforesaid, to be levied upon each of such lots or premises Board to make special roll.

	respectively; and when the same shall be completed said board shall report the same to the common council.
To be filed with recorder.	SEC. 11. When any special assessment roll shall be reported by the board of assessors the same shall be filed in the office of the recorder. Before adopting such assessment roll the common council shall cause written or printed notices to be posted in six public places in said city at least two weeks before the day appointed for reviewing said roll which notices shall state the filing of such assessment roll with the recorder, and appoint a time when the common council and board of assessors will meet to review the assessment. Any person objecting to such assessment may file his [objection] objecting thereto in writing with the recorder.
Notice before adopting.	
Objection.	
Review of roll.	SEC. 12. At the time appointed for that purpose as aforesaid, the common council and board of assessors shall meet and then or at some adjourned meeting review the assessment and consider any objection made thereto and the common council shall correct the same, if necessary, and confirm it as reported or as corrected, or it may refer the assessment back to the board of assessors for revision or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous meeting, when the special assessment roll shall be finally confirmed. The recorder shall indorse a certificate thereof upon the roll showing the date of confirmation.
Confirmation final.	SEC. 13. When any special assessment shall be confirmed by [the] common council, it shall be final and conclusive.
Lien on property.	SEC. 14. All special assessments shall, from the date of confirmation, become a lien upon the respective lots or parcels of land assessed and shall be a charge against the person assessed, until paid.
In case of insufficiency.	SEC. 15. Should any special assessment prove insufficient to pay for the improvements or work for which it was levied and the expenses incident thereto the amount of such deficiency may be paid from the contingent fund in the city treasury or the same may be reassessed upon the property of said district as the common council may direct. And in case a greater amount shall have been collected than was necessary, all excess shall be turned into the general contingent fund.
In case of invalid assessment.	SEC. 16. Whenever any special assessment shall, in the opinion of [the] common council, be invalid, by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the common council shall, whether the improvement has been made or not, have power to cause a new assessment to be made for the same purpose which the former assessment was made. All the proceedings on such reassessment and the collection thereof, shall be conducted in the same manner as provided for in the original assessment.
Vacating not to impair lien.	SEC. 17. No judgment or decree, nor any act of the common council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such

amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

SEC. 18. Whenever any special assessment shall be confirmed and be payable, the common council may direct the recorder to report to the city assessor a description of such lots and premises as are contained in said roll with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and to require said city assessor to levy the several sums so assessed as a tax upon the several lots or premises to which they are assessed [respectively] respectfully. Upon receiving said report the city assessor shall levy the sums therein mentioned on the lots and premises to which they are specially assessed and against the persons chargeable therewith as a tax in the general assessment roll next thereafter to be made and in a column for special assessments except as hereinafter otherwise ordered. Thereupon the amount so levied in said general assessment roll shall be collected and enforced with the other taxes in the general assessment roll, and in the same manner and shall continue to be a lien upon the premises assessed until paid and when collected shall be credited to the proper funds.

Recorder to report description, etc.

Assessor to make levy.

SEC. 19. When any special assessment shall be confirmed and be payable as hereinafter provided, the common council may require the assessments so to be reported to the city assessor, as provided in the last preceding section to be spread by the assessor on a special assessment roll to be collected directly therefrom, and thereupon the mayor shall attach his warrant to a certified copy of said special assessment roll therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress of goods and chattels of such person and return the said roll and warrant together with his doings thereon in sixty days from the date of such warrant. In case any assessment shall remain unpaid after the time limited for the payment thereof as in this section provided, or after the time for which the said warrant shall be renewed and extended, the amount thereof shall be levied in the next general assessment roll as delinquent special assessments and disposed of as other taxes in said roll.

May order special collection.

When to be put on general roll.

SEC. 20. Upon receiving said assessment roll and warrant the city treasurer shall proceed to collect the amounts [assessed] assessments therein. And on all sums voluntarily paid at his office within thirty days from the time of the assessment roll coming into his hands for collection no collection fee shall be added, and upon all sums paid upon the treasurer's personal application or after the expiration of the said thirty days, he shall add four per cent, but in no case shall more than four per

Treasurer to collect, etc.

No fee, when.

Fees.

Interest.	cent be charged as collection fees. To all amounts paid after the expiration of sixty days from the time the tax roll comes into his hands for collection, he shall add and collect interest at the rate of eight per-cent per annum. Such collection fees and interest shall be an additional charge upon the lots or premises assessed in said special assessment roll and against the persons chargeable with such special assessment and shall be paid into the city treasury and credited to the contingent fund of said city. If any person shall neglect or refuse to pay his [assessment] assessments on demand the city treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person to an [amount] account sufficient to pay such assessment, fees, interest and charges for subsequent sale, and he may sell
To be additional charges.	the property seized to an amount sufficient to pay the [assessment] assessments and all charges at public auction on giving public notice of the time and place of such sale for at least six days previous to the sale by posting printed or written notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale or so much thereof as shall be necessary for that purpose, shall be applied to the payment of the assessment, collection fees and interest and expenses of said seizure and sale, and the surplus, if any, shall be paid to the party entitled thereto.
Levy in case of neglect to pay.	
Sale of property.	
Notice of.	
Renewal of warrant.	SEC. 21. Said warrant may be renewed from time to time if the common council shall so direct and for such time as it shall determine, and, during the time of such renewal, the warrant shall have the same force and the city treasurer shall perform the same duties and make like returns as above provided.
Treasurer to make return.	SEC. 22. Within ten days after the expiration of the time allowed for the collection of the taxes on said roll the city treasurer shall return said roll and warrant to the assessor, and if any of the assessments on said roll are returned delinquent or unpaid he shall attach to his return a statement verified by affidavit containing a list of the persons delinquent, a description of the lot and premises upon which the assessments remain unpaid and the amount unpaid on each and that after diligent search he has been unable to find any goods or chattels out of which he could make the same.
May be collected by suit.	SEC. 23. At any time after the special assessment has become payable the same may be collected by suit in the name of the city against the person assessed, in an action of assumpsit, in any court having jurisdiction over the amount. In every such action it shall be sufficient to declare for money paid. The [special] assessment roll, and a certified copy of the order confirming the same, shall be <i>prima facie</i> evidence of the regularity of all of the proceedings in making the assessments and of the right of the city to recover a judgment therefor.
In case of irregularity.	SEC. 24. If in such action it shall appear that by reason of any irregularity or informality the assessment has not been

properly made against the defendant, or the lot or premises sought to be charged, the court, nevertheless, on satisfactory proof that the expense has been actually incurred by the city, which is a proper charge against the defendant or the property in question, render judgment for the amount properly chargeable against such defendant, or upon such property.

CHAPTER X.

FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city of North Muskegon shall begin on the first day of June in each year. Fiscal year.

SEC. 2. The common council shall have the right and power to raise annually by taxation within the city, such sums of money as may be necessary to defray the expenses and pay the debts of the city and to execute the powers granted by this act. Authority to raise money by taxes.

SEC. 3. The revenue raised by general tax upon all the property in the city, or by loan, to be repaid by such taxation, shall be divided into the following general funds. Funds.

First, The contingent fund, to pay contingent and other expenses of the city for the payment of which no other fund is provided; Contingent.

Second, Sinking fund, to pay the bonded indebtedness of the city and the interest thereon; Sinking.

Third, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus and supplies, and all other expenses necessary to maintain and operate a fire department in the said city; Fire department.

Fourth, Water fund, to purchase machinery and supplies, to maintain a water department, and to provide for, and pay the expense of running, operating and maintaining the water department of said city; Water.

Fifth, Highway fund, to defray the expenses of repairing streets and alleys, and for grading, paving and improving the highways, streets and alleys of said city, and to defray the expense of constructing cross-walks in the several wards of the city, and such other improvements on the public streets, walks and drives as the common council may deem necessary for the welfare of said city; Highway.

Sixth, Poor fund, to defray the expense of providing for, and taking care of the poor of the said city; Poor.

Seventh, Police fund, to maintain the police of the city and to defray the expense of arresting and punishing those violating the ordinances of the city; Police.

Eighth, Such general or special funds as the common council may from time to time constitute. Other funds.

SEC. 4. The total amount which the common council of said city may raise by general taxation upon the taxable real and personal property in the city of North Muskegon for the pur- Limit of taxation.

pose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general sums hereinbefore mentioned are constituted, shall not exceed in any one year, three [per cent] precents on the assessed value of all the real and personal property in the city made taxable by law, as shown by the last preceding assessment roll. And when the common council shall make its estimate of moneys necessary to be raised by general tax, the first year after this act shall take effect, and before any assessment roll under the provisions of this act shall have been made, the limit of its power shall be three per cent on the assessed value of all the taxable [real] and personal property in said city as shown by the last assessment roll of the village of North Muskegon.

Idem.

Of other special taxes.

SEC. 5. In addition to the above amounts the common council may raise by special assessments in special assessment districts, for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers, drains and sidewalks and making other local improvements chargeable upon the land and property in the district according to frontage or benefits and for all other purposes for which the special assessment funds are constituted, such sums as it shall deem necessary but not exceeding in any one year, twenty-five per cent on the assessed value of the property in the last assessment roll of the city.

Annual estimates of expenditures.

SEC. 6. It shall be the duty of the common council to cause estimates to be made in the month of June in each year of all the expenditures which will be required to be made from the several funds of the city during the next fiscal year and for interest and debts to fall due and for lands to be acquired, buildings to be erected and repaired, bridges to be built, and for the paving of streets, the construction of sewers, and making other improvements, for the support of the police, water and fire departments and for every other purpose for which money will be required to be paid from any of the general funds during such fiscal year.

General tax.

SEC. 7. The common council shall also in the same month determine upon the amount required to be raised in the next general tax levied to meet any deficiencies for the current year.

Special tax.

Also the amount or part of any special [assessments] assessment which it may require to be levied or reassessed in the next general assessment roll of the city upon lands in any special assessment district, or upon any parcel of land or against any particular person as a special assessment.

Annual appropriation bill.

SEC. 8. The common council shall also in said month of June, pass a resolution to be termed the "annual appropriation bill," in which it shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the city for the next fiscal year payable from the several general funds and from the special assessment funds, and order the same, or so much of said amount as may be necessary, to be raised by tax, with the next general tax levied or by loan or both

and to be paid into the several general funds and special assessment funds of the city. The whole amount so ordered to be raised by tax shall not exceed the amount which the city is authorized by sections four and five of this chapter to raise by tax during the year. The common council shall specify in such resolution the objects and purposes for which such appropriation was made, and the amount appropriated for each object or purpose. It shall also designate in such appropriation bill the sum, if any, required to meet any deficiencies for the current year, and the amount or part of any special assessment which it may require to be levied or reassessed with the next general tax.

Limit of.

Shall specify objects of.

SEC. 9. All sums ordered in the annual appropriation bill to be raised for the several funds, and all sums reported to the common council by the board of education to be raised for school, library and school house purposes, and all sums ordered in said bill to be levied as special assessments or to be reassessed, shall be certified to the assessor of said city as in this act provided, on or before the first Monday in July and all such sums shall be levied and collected in the manner provided for in this act.

Taxes certified to assessor.

SEC. 10. All [moneys] money raised by tax or loan for the purpose of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received and to none other. And no fund shall be overdrawn nor shall the moneys belonging to any fund be transferred to any other fund or be applied to any purpose other than that for which such fund is constituted except when there shall be a surplus in any fund at the end of the year in which case such sum in the discretion of the council may be transferred to any fund in which there is a deficiency, or be otherwise appropriated to such purposes as the common council may deem proper. But when there shall be, from any unforeseen cause, a deficiency in the police fund, fire department fund, highway fund, or water fund, the common council may transfer such amount as in their judgment they deem proper from the contingent fund to supply [the] deficiency thus existing. All moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Funds to be kept separate.

In case of surplus.

In case of deficiency.

SEC. 11. No contract for the construction of any public building, sewer, pavement or for the improvement of any highway or other public work whatever or for any work to be done or for the purchase of any material or supplies for said city if the amount involved in such contract shall exceed twenty-five [dollars] shall be let or entered into except to and with the lowest [responsible] reasonable bidder with adequate security, after a proper and reasonable notice thereof in such manner as the common council [shall] provide.

Contracts to be let to lowest bidder.

SEC. 12. The common council shall have authority to raise money by loan in anticipation of the receipt from special assessments for the purpose of defraying the cost of the improvements for which the assessment was levied.

May raise by loan.

Electors may
vote to increase
appropriation.

SEC. 13. Should any greater amount be required in any year for the purpose of erecting any public building or the purchase of grounds therefor, or for any other public improvement to be paid for, from the general funds of the city, than can be raised by the common council under the provisions of this act, such amount may be raised by a loan if authorized by a majority vote of all the electors of said city, voting upon the question at an annual city election or a special election called for that purpose. But the amount that may be voted or raised in any year by loan under the provisions of this section shall not exceed ten per cent of the assessed valuation of the city property as shown by the last preceding assessment roll, or the village roll, as provided in section four of this chapter. For loans lawfully made, bonds or other obligations of the city may be issued bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds or other obligations issued and when due, and the rate of interest thereon, and when said interest is due shall be kept by the recorder.

Limit of.

Bonds may
issue.
Record to be
kept.

Time of
payment may
be extended.

SEC. 14. Whenever the council shall deem it necessary or for the advantage of the best interests of the city, they shall have the power to extend the time of payment of the bonded or other indebtedness of the city by the issue of new bonds or obligations to be issued in the place of former bonds or obligations falling due, in such manner as merely to change, but not to increase the indebtedness of the city. Each bond or obligation shall show upon its face the class of indebtedness to which it belongs and the purpose for which the money was raised.

Method of
submitting
proposition.

SEC. 15. The proposition to raise the additional amount provided for in section thirteen shall be submitted to a vote of the electors of said city by a resolution to be passed by the common council distinctly stating the purpose of the proposed expenditure and the amount proposed to be raised therefor. Such resolution shall be published in some newspaper printed and circulated in said city, if there be any such newspaper, for at least two weeks before the said election, and if there be no such newspaper, then a copy of said resolution, together with a notice of the time and place of such election shall be posted in three public places in each ward of said city, at least two weeks before the time appointed for such election. The vote at such election shall be by ballot.

Money, how
drawn from
treasury.

SEC. 16. No money shall be drawn from the treasury except in pursuance of the authority of the common council, except as to moneys belonging to the public schools of the city of North Muskegon, and upon warrant signed by the recorder and countersigned by the mayor or the acting mayor, in cases provided for by this act, except orders drawn on the poor fund of said city as provided for by this act. Such warrant shall specify the fund from which it is payable and shall not be paid from any other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid is exhausted, nor when the warrants drawn upon said fund are sufficient to exhaust it.

Warrant not to
be drawn when
funds are
exhausted.

SEC. 17. Immediately upon the close of the fiscal year the common council shall audit all accounts, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited. And it shall cause to be made out a statement in detail of the expenditures of the city during the preceding year, which statement shall show the receipts accredited to each fund, the amount collected by special assessment, and the amount of money borrowed and for what purpose. It shall also show the expenditures of the city on account of each of the funds thereof, the amounts expended for special improvements for which special assessments were levied, and shall show the balance remaining to the credit of each fund of said city, as well as the gross amount of cash on hand.

To audit accounts.

Statement of receipts and expenditures.

SEC. 18. Said statement, signed by the mayor and recorder, shall be filed in the office of the city recorder, and be open to the inspection of all persons, and shall be published in all newspapers published and circulated in said city in one issue thereof.

Statement to be filed with recorder.

SEC. 19. If any officer of the city shall directly, or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever belonging to the city, to his own use, or shall directly, or indirectly, and knowingly appropriate or convert the same to any other purpose than the purpose for which the said moneys, securities, evidences of value or property may have been appropriated, raised or received, or to any other purpose not authorized by law, he shall be deemed guilty of malfeasance in office, and may be prosecuted therefor in the circuit court for the county of Muskegon in the same manner as defaulters are now prosecuted by the laws of this State, and on conviction may be punished by fine not to exceed one thousand dollars, or by imprisonment in the State Prison for a period not exceeding two years, or both, in the discretion of the court.

Appropriating money, etc., to private use a malfeasance.

Penalty.

CHAPTER XI.

MISCELLANEOUS.

SECTION 1. The city of North Muskegon shall succeed to all property real, personal and mixed, and all rights of property in law or equity, all debts, fines, penalties and forfeitures, and all causes of action of the village of North Muskegon or which may hereafter accrue to it, and the same are hereby absolutely vested in said city; and all claims and causes of action, and all rights and equities of said village may be prosecuted for and recovered by said city to the same extent which they might by said village had not this act been passed. And said city of North Muskegon shall assume and be liable for all indebtedness, contracts and liabilities of said village of North Muskegon, and shall fulfill and discharge the same; and the collection thereof, and of all other demands against said village, may be enforced in any competent court against said city; and no suit

City to succeed to all rights, etc., of village.

To assume indebtedness, etc., of village.

or proceeding now pending shall abate by reason of the passage of this act, but the name of this corporation shall be substituted in said suits or proceedings in the place and stead of the name of said village, and said suits or proceedings shall then proceed in the corporate name of said city.

Ordinances to
continue in
force.

SEC. 2. All ordinances, by-laws, rules, regulations and resolutions of the common council of the village of North Muskegon now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council under this act.

To approve
plats, etc.

SEC. 3. No plats of lands within the corporate limits of said city and adjoining platted portions thereof shall be effectual or entitled to be of record as provided by law until such plat or plats shall have been submitted to and approved by the common council, and a certificate of such approval be indorsed thereon by the recorder of said city under the corporate seal thereof.

Council to
balance books,
etc., of village.

SEC. 4. The common council of said city at its first meeting held after the first election to be held under this act shall cause the books and accounts of said village of North Muskegon to be examined and balanced in such manner as to show the exact condition of all the finances of the village and to show the exact amount of money on hand in each fund of said village, and cause to be done whatever else may be necessary to show the exact condition of the affairs of said village.

Village officers
to transfer
books, etc.

SEC. 5. The officers of said village shall transfer to the proper officers of said city all books, papers, vouchers and property of every kind in their respective offices belonging to said village and the treasurer of said village shall also turn over to the treasurer of said city all moneys in his hands or under his control belonging to said village. Upon the audit of his accounts by the common council and the payment of said moneys to the city treasurer as aforesaid his bondsmen shall be deemed to be released from any liability for any disposition made of said city moneys after that date. The common council shall make disposition of the said moneys so received from the village treasurer as aforesaid into the several general funds provided for by section three of chapter ten of this act.

Disposition of
moneys.

Terms of village
officers to ter-
minate.

SEC. 6. The terms of office of all officers of the village of North Muskegon at the time this act takes effect shall be held to terminate upon the election and qualification of the officers of said city of North Muskegon named in this act or a majority thereof after the first election hereinbefore provided for and said officers of said village shall deliver over all the effects of their several offices as hereinbefore provided to the officers of said city.

Power to take
private property,
etc.

SEC. 7. The city of North Muskegon shall have all the rights and privileges and all the powers of other cities and villages to take private property for public use and shall, as to all such rights and powers, be governed by act number one hundred and twenty-four of the laws of eighteen hundred [and] eighty-three, entitled "An act to authorize cities and villages to take private property for the use and benefit of the public

and to repeal act number twenty-six of the public acts of eighteen hundred and eighty-two " and all acts amendatory thereto.

SEC. 8. Said city shall be entitled to its equitable share of all delinquent taxes for contingent and highway purposes heretofore assessed in the township of Laketon, Muskegon county, whenever the same shall be paid into said township *pro rata* according to the valuation of property of the late village of North Muskegon on the last tax roll of said township and whenever any money shall be in the treasury of said township to which the said city of North Muskegon is entitled by virtue of the provisions of this act and the treasurer of said township shall have refused or neglected for a period of thirty days to pay over said money, or any part thereof, after a demand made upon him by the treasurer of said city, then said city shall have the power to commence an action in assumpsit in its corporate name against said township in the circuit court for the county of Muskegon to recover the same, and the declaration in such case shall be for money had and received.

Entitled to share of delinquent taxes, etc.

SEC. 9. Act number three hundred and fifty-nine of the laws of one thousand eight hundred and eighty-one, entitled "An act to incorporate the village of North Muskegon," is hereby repealed saving and reserving however the rights hereinbefore mentioned.

Act repealed.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 216.]

AN ACT to authorize the electors of the township of Norway, in the county of Menominee, in the State of Michigan, at the annual township meeting to be held on the first Monday of April, one thousand eight hundred and ninety-one, to raise by tax on the taxable property of said township certain money or the payment of certain township orders issued September eight, one thousand eight hundred and eighty-six to John Perkins, together with the interest thereon.

SECTION 1. *The People of the State of Michigan enact,* That there shall be submitted to the qualified electors of the township of Norway, in the county of Menominee, in the State of Michigan at the annual township meeting to be held in said township on the first Monday of April, one thousand eight hundred and ninety-one, the question of raising by taxation on the taxable property of said township, in the year one thousand eight hundred and ninety-one, sufficient money for the payment of the amount of two township orders, for both principal and interest, issued by the township board of said township to John Perkins on to wit: the eighth day of September, one thousand eight hundred and eighty-six, for one thousand dol-

Question of raising money, etc., to be submitted to electors.

Notice of election to be given.

Ballots.

Inspectors to certify, etc.

Duty of supervisor, etc.

Duty of treasurer.

lars each, in the manner following, viz.: The township clerk of said township of Norway shall cause at least ten days' notice of the intended submission of said question to be given in the same manner as he is required by law to give notice of said annual township meeting. The township clerk of said township shall cause to be printed on white paper and distributed at the polls in sufficient numbers for the accommodation of all the electors of said township, two sets of ballots of uniform size, color and texture, and on the ballots of one set shall be printed the words, "For the tax—Yes," and on the other the set [the] of words, "For the tax—No." Said ballots voted at such election shall be voted and deposited in a separate ballot box, and shall be cared for, inspected and counted in the same manner, as near as may be, as ballots relative to constitutional amendments are voted, [deposited], cared for and counted.

SEC. 2. If it shall appear, from the final inspection and count of such ballots, that a majority of the electors voting on such proposition shall have voted in favor thereof, the same shall be declared by the inspectors of said election, carried and adopted, and it shall be so certified by them to the township clerk of said township within five days after said election.

SEC. 3. If the proposition so submitted shall, in the manner provided in this act, be carried and adopted, the supervisor of said township shall, on or before the first day of September, one thousand eight hundred and ninety-one, call and hold a special meeting of said township board to determine the amount necessary to be raised by taxation for the payment of the amount of said township orders with interest thereon from the date thereof to the first day of February one thousand eight hundred and ninety-two and which amount shall be then determined by said township board and by the clerk thereof under his hand certified to the county clerk of said county of Menominee on or before the first day of October, one thousand eight hundred and ninety-one, in the same manner as other amounts of money to be raised by taxation for township purposes are certified, and which sum so determined and certified shall, in the manner provided by law for the assessment of township taxes, be assessed upon the taxable property of said township and collected in the same manner as other township taxes are collected.

SEC. 4. Upon the collection of the tax herein provided for it shall be the duty of the township treasurer of the township of Norway on or before the first day of February, one thousand eight hundred and ninety-two, to pay to said John Perkins or his legal representatives, the amount so determined to be due upon said township orders and to take up and hold the same as his vouchers therefor.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 217.]

AN ACT to detach certain lands from the township of Breitung, in the county of Menominee, and to attach the same to the city of Iron Mountain, in said county.

SECTION 1. *The People of the State of Michigan enact,* ^{Territory detached.} That the west half of the southeast quarter, the northeast quarter of the southeast quarter, the southwest quarter and lot numbered three of section number nineteen, lots numbered one, two, three, four and five of section number twenty, lot numbered four of section number twenty-nine, the north half of the northwest quarter, the northwest quarter of the northeast quarter, the fractional northeast quarter of the northeast quarter of section thirty, all in township number forty north, of range number thirty west, the south half of section number twenty-four, the north half and the southwest quarter of section number twenty-five, and the west half of section number thirty-six, all in township number forty north, of range number thirty-one west, situate in the county of Menominee, be and the same are hereby detached from the township of Breitung, in said county, and attached to the city of Iron Mountain, in said county.

SEC. 2. Said territory, when attached as provided for in ^{fifth ward.} section one of this act, shall be known as the fifth ward of the city of Iron Mountain.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 218.]

AN ACT to incorporate the village of Royal Oak, in the county of Oakland, State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* ^{Territory re-incorporated.} That all those tracts or parcels of land situated in the township of Royal Oak, in the county of Oakland, and State of Michigan, known and described as follows, to wit: The west one-half of the southwest one-fourth of section fifteen; the west one-half of the west one-half of section twenty-two; the east one-half of section twenty-one and the southeast one-fourth of section sixteen, be and the same are hereby incorporated as a village under the name of "the village of Royal Oak."

SEC. 2. Franklin Alford, Robert Rofe and Linus D. Finn are ^{Board of registration.} hereby constituted a board of registration for the purpose of registering voters for the first election to be held in the said village, and said board of registration is hereby required to meet at the town hall in the said township of Royal Oak on the Saturday preceding the fourth Monday in March, in the year

one thousand eight hundred and ninety-one, and register the names of all persons residents of said village, presenting themselves for registration and having the qualifications of voters at annual township meetings. Notice of such registration shall be given by said board by posting notices in three public places in said village at least eight days before the sitting of said board. In case any of the members of said board fail or neglect to act on said day the remaining member or members may fill all vacancies therein. Said board of registration shall meet on said day at nine o'clock in the forenoon and remain in session until five o'clock in the afternoon of said day, except that they may adjourn one hour at noon for dinner. In such proceedings said board of registration shall have the same powers and proceed in the same manner and conform to the same rules, as near as may be, as is now provided for boards of registration in townships in this State and the registering of electors in such townships.

Notice of
meeting of.

When to meet.

Powers of, etc.

Inspectors of
election.

Election, where
held.

Powers of in-
spectors.

Governed by
general law.

Additional pow-
ers of council.

SEC. 3. Franklin Alford, Ruben Russell and Louis Storz, are hereby constituted and appointed a board of inspectors of election for the first election to be held in said village, which election shall be held at the town hall in [the] said township of Royal Oak on the fourth Monday in March, in the year one thousand eight hundred and ninety-one. Due notice of such election shall be given by the said board by posting written or printed notices thereof in three public places in said village at least eight days before such election. In case any of the members of said board fail or neglect to act, the remaining member or members may fill all vacancies therein. Said board of inspectors of election in conducting said first election shall have the same powers, shall conform to the same rules and proceed in the same manner as is provided for succeeding elections by chapter three of act number sixty-two of the session laws of eighteen hundred and seventy-five, hereinafter referred to.

SEC. 4. The said village of Royal Oak shall, in all things, not herein otherwise provided, be governed, and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, one thousand eight hundred and seventy-five, and the acts amendatory thereto.

SEC. 5. In addition to the powers conferred by the said general act number sixty-two of the session laws of eighteen hundred and seventy-five, the village council of said village shall have the power to provide and ordain by ordinance that whenever any sidewalk requires to be built or repaired, said common council may direct the marshal of said village to notify the owner, his agent or the occupant of any lot or parcel of land in front of or adjacent to which said sidewalk is required to be built or repaired, to build or repair the same, as the case may be, and if such owner, agent or occupant shall neglect for a time to be specified in such ordinance, to do such

building or repairing, it shall be the duty of the marshal to at once do or cause the same to be done at the expense of the village, and in such case the expense thereof shall be assessed upon such lot or parcel of land, and the same shall be a lien thereon until collected and paid, and the same shall be assessed and collected in the same manner as the ordinary village taxes are assessed and collected, and the owner so neglecting to build or repair shall be liable to the village for all damages which shall be recovered against said village for any accident or injuries occurring by reason of such neglect.

SEC. 6. Whenever the marshal of said village shall be authorized, under the provisions of said general act number sixty-two, to bring suit for the recovery of any tax, such suit, when authorized by a vote of the village council of said village to be begun, may be brought in the name and at the expense of the said village and in such case all costs that shall be recovered of any defendant in such suit shall belong to said village.

Suit to be in name of village.

SEC. 7. In case village officers are not elected at the time designated in section three of this act, an election of such officers may be held at any time within one year from the time designated in said section three, on like notice being given as required herein.

Election at time other than time appointed.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 219.]

AN ACT to re-incorporate the village of Orion, in the county of Oakland, Michigan.

SECTION 1. *The People of the State of Michigan enact,* That all those parcels and tracts of land situated in the township of Orion, county of Oakland, and State of Michigan, and bounded and described as follows, to wit; commencing at the northeast corner of the west one-half of the southwest quarter of section one, town four north, range ten east, thence westerly on the center line of sections one, two and three, to the northwest corner of the east one-half of the southeast one-fourth of section three, thence southerly on the quarter line to the southwest corner of the northeast one-fourth of the northeast one-fourth of section ten, thence easterly to the section line between sections ten and eleven, thence southerly on said section line to the southwest corner of the northwest one-fourth of section eleven, thence easterly on the center line of sections eleven and twelve to the southeast corner of the west one-half of the northwest one-fourth of section twelve, thence northerly on the quarter line to Atwater street in Perry's addition to Orion village, thence easterly along the southerly line of said street to its

Territory re-incorporated.

intersection with the highway known as the territorial road, thence northwesterly along the westerly line of said road to its intersection with the westerly quarter line north and south, of section one, thence north on the said quarter line to the place of beginning, be, and the same are hereby re-incorporated as a village under the name of "The village of Orion."

Made subject to laws of 1875.

SEC. 2. The said village of Orion is hereby made subject to the provisions of act number sixty-two, of the laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, as now or hereafter amended, and shall possess all the rights and powers and be subject to all the duties and liabilities prescribed in said last named act, except as otherwise in this act provided.

Present officers to continue in office, etc.

SEC. 3. The present officers of said village shall continue in office with the same powers and duties as are conferred by this act, and said general act number sixty-two upon like officers, until their successors shall be elected and qualified in accordance with the provisions of this act and the said general law.

First election.

SEC. 4. The first election under this act shall be held on the thirtieth day of March, one thousand eight hundred ninety-one, at the same place that the last village election was held in said village, at which time there shall be elected three trustees for the term of two years to succeed the three trustees of the present village whose terms of office first expire, also a village president, a village clerk, a village treasurer, a village street commissioner, a village assessor and a village constable, each for the term of one year.

Notice of first election.

SEC. 5. Notice of the time and place of holding said election, and of the officers to be elected, and the time and place of the meeting of the board of registration for said election, shall be given by the village recorder of the present village at least eight days before such first election by posting such notice in three public places in said village. The president of the present village of Orion and the three trustees of said village whose terms of office will first expire, shall constitute the inspectors of said election and the board of registration therefor. Said board of registration shall meet on the Saturday previous to the day of holding said first election, at the village council rooms in said village, at nine o'clock in the forenoon of said day for the purpose of completing the list of qualified electors of said village and registering the same, and shall remain in session until five o'clock in the afternoon of said day, except

Board of registration and inspectors.

When to meet.

that they may adjourn one hour at noon for dinner. In such proceedings said board of registration shall have the same powers and proceed in the same manner, and conform to the same rules, as near as may be, as is now provided for boards of registration in townships in this State and the registering of electors in such townships. Said inspectors of election in conducting said first election shall have the same powers, shall conform to the same rules, and proceed in the same manner as is provided for in succeeding elections by chapter three of said

Powers, etc., of.

Powers of inspectors.



general act number sixty-two of the session laws of eighteen hundred and seventy-five.

SEC. 6. All the ordinances, orders, by-laws and resolutions of the present village of Orion in force at the time this act takes effect, not in conflict with this act, or said general act sixty-two of the session laws of eighteen hundred and seventy-five, as amended, are hereby continued in force, until the same shall be changed or repealed according to law; said village of Orion, as hereby re-incorporated, shall possess all the property and rights of said present village, and shall have full power and authority to collect and enforce, under the provisions of this act and said general law, all taxes that have been legally levied, and all debts, claims and demands that shall have accrued or become due to said present village at the time this act shall take effect. Said re-incorporated village shall be the successor of and subject to all the debts, liabilities and obligations of said present village of Orion.

Ordinances, etc., to remain in force.

To preserve all rights of present village.

SEC. 7. In case the said first election shall not, for any reason, be held at the time named in this act therefor, the same may be held at any time within one year from that time on notice being given as provided by this act, but the terms of office of the trustees elected at said first election shall terminate when their successors to be elected on the second Monday of March, one thousand eight hundred ninety-three, shall have been elected and shall have qualified, and the terms of office of all the other officers elected at said first election shall terminate when their successors to be elected on the second Monday of March, one thousand eight hundred ninety-two, shall have been elected, and shall have qualified, and the terms of office of the three trustees required to be elected on the second Monday of March, one thousand eight hundred ninety-two, shall terminate when their successors to be elected on the second Monday of March, one thousand eight hundred ninety-four, shall have been elected and shall have qualified.

Election at time other than time appointed.

SEC. 8. In addition to the powers conferred by said general act sixty-two of the session laws of eighteen hundred and seventy-five, the village council of said village shall have the power to provide and ordain by ordinance that whenever any sidewalk is required to be built or repaired, said council may direct the marshal of said village to notify the owner or occupant of any lot or parcel of land in front of, or adjacent to, which said sidewalk is required to be built or repaired, to build or repair the same, as the case may be, and if such owner or occupant shall neglect for a time to be specified in such ordinance, to do such building or repairing, it shall be the duty of the said marshal to at once do, or cause the same to be done at the expense of the village; and in such case the expense thereof shall be assessed upon such lot or parcel of land, and the same shall be a lien thereon until collected and paid; and the same shall be assessed and collected in the same manner as the ordinary village taxes are assessed and collected; and the owner so neglecting to build or repair shall be liable to the village for

Additional powers of council.

Suit to be
brought in
name of village.

all damages which shall have been recovered against the village for any accident or injuries occurring by reason of such neglect.

SEC. 9. Whenever the marshal of said village shall be authorized under the provisions of said general act number sixty-two, to bring suit for the recovery of any tax, such suit, when authorized by a vote of the village council of said village to be begun, may be brought in the name and at the expense of said village, and in such case all costs that shall be recovered of any defendant in such suit shall belong to said village.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 220.]

AN ACT to re-incorporate the village of Buchanan, and to repeal all acts and parts of acts inconsistent with the provisions of this act.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

Boundaries.

SECTION 1. *The People of the State of Michigan enact,* That all the tract of country situated in the county of Berrien, and State of Michigan, being in the township number seven south, of range eighteen west, and described as follows: The southwest one-quarter of section twenty-five; the south one-half of the northwest one-quarter of section twenty-five; the southeast one-quarter of section twenty-six; the southwest one-quarter of section twenty-six; the south one-half of the northeast one-quarter of section twenty-six; the south one-half of the northwest one-quarter of section twenty-six; the northwest one-quarter of section thirty-six; the northwest one-quarter of section thirty-five; the northeast one-quarter of section thirty-five, and so much of the southeast one-quarter of section thirty-five as is included in what is known and recorded as "Hobert's addition to the village of Buchanan," also beginning at a point on the west line of section twenty-five, in said township and range where said west line intersects the St. Joseph river, thence north on said west line across the St. Joseph river to highway, thence southeasterly along said highway to a point directly opposite the place where the east line of the present corporate limits of said village of Buchanan intersect the St. Joseph river, thence south to the said east line of said village, be and the same is hereby constituted a village corporate under the name and title of "The village of Buchanan."

First election.

SEC. 2. The first election of officers in said village under this act shall be held on the second Monday [in] of March, in the year of our Lord one thousand eight hundred and ninety-one at engine house number one in said village.

SEC. 3. Notice of the time and place of holding such election, and of the officers to be elected, shall be given by the recorder of the village of Buchanan, by publication in a newspaper published in said village at least five days previous to the day of holding such election and by posting written copies of said notice in at least three public places within the said village. The president of the village of Buchanan and the three trustees of said village whose term of office will first expire shall constitute the board of registration for said first election, and said board shall meet on the Saturday previous to the day of holding said first election, at the office of the president of the village of Buchanan, at nine o'clock in the forenoon of said day, for the purpose of completing the list of qualified electors of said village, and such board shall have the power, and proceed in the same manner, as near as may be, as is now provided by law for regulating and defining the powers of boards of registration in [township] townships.

Notice of election.

SEC. 4. All by-laws, ordinances and resolutions of the village of Buchanan as heretofore incorporated, not inconsistent with the provisions of this act or the general law of the State relating to incorporated villages, shall be and continue in force until repealed.

By-laws and ordinances continued.

SEC. 5. The present officers of the village of Buchanan shall continue in office with the same powers and duties as are conferred by law upon like officers until their successors shall be elected and qualified, pursuant to the provisions of this act and the general law relating to villages, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereof.

Officers to continue in office.

SEC. 6. In case officers of said village are not elected at the time designated in section two of this act, an election for officers in said village may be held at any time within one year from the time designated in section two of this act, on notice being given as provided in section three of this act.

Election of officers not elected as required by this act.

SEC. 7. All taxes which were assessed in the village of Buchanan for the year eighteen hundred and ninety, and which have not heretofore, and shall not have been at the time this act shall take effect collected or paid, may be re-assessed on the assessment roll of the village of Buchanan for the year eighteen hundred and ninety-one, and when so assessed shall be a lien on the real and personal estate of the person to whom the same may be assessed, and may be collected at the same time and in the same manner as the taxes assessed for the year eighteen hundred and ninety-one.

Re-assessment of taxes.

SEC. 8. The said village as re-incorporated shall possess all the property and rights, and be subject to all the liabilities and obligations of the village of Buchanan as heretofore incorporated.

To possess powers of former village.

SEC. 9. All former acts relating to the village of Buchanan inconsistent herewith, are hereby repealed, and said village of Buchanan shall be subject to and governed by the provisions

Acts repealed.

of the general law of this State, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereof.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 221.]

AN ACT to incorporate the village of East Grand Rapids in Kent county.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, to wit: Section thirty-three, section thirty-four, the south half of section twenty-seven and the south half of section twenty-eight, all in township seven north, of range eleven west, in the county of Kent and State of Michigan, be and the same is hereby constituted a village corporate to be known as the village of East Grand Rapids.

First election.

SEC. 2. The first election of officers of said village shall be held at what is known as Miller's hall in said village on the second Monday of April in the year eighteen hundred and ninety-one at which election the polls shall be opened at seven o'clock in the morning and shall be kept open until five o'clock in the afternoon of said day, at which hour they shall be closed, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election.

Board of regis-
tration.

SEC. 3. Sanford W. Lyon, Thomas E. Reed and Fred P. Wilcox, are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village and said board of registration shall meet on Saturday next preceding said day of election at said Miller's hall and remain in session from nine o'clock in the forenoon until eight o'clock in the evening of said day and register the names of all persons residing in said village having the [qualification] qualifications of voters at annual township meetings. Due notice of such registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.

Governed by
general law.

SEC. 4. The said village of East Grand Rapids shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act, entitled "An act granting and defining the powers and duties of incorporated villages, approved April first, eighteen hundred and seventy-five and acts amendatory thereto."

Election at time
other than time
appointed.

SEC. 5. In case the village officers provided for in said act are not elected at the time and in the manner designated in sec-

tion two of this act, an election for such officers may be held at any time within one year from the time designated in said section two of this act, and notice given as provided by said section. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration. The members of said board of registration shall take the constitutional oath of office before entering on the discharge of their duties.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 222.]

AN ACT to re-incorporate the village of South Lyon, in the county of Oakland, and State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Territory re-incorporated. That all those parcels and tracts of land situated in the township of Lyon, county of Oakland, and State of Michigan, and described as follows, to wit: The southeast quarter of section nineteen; the southwest quarter of section twenty; the northwest quarter of section twenty-nine, and the northeast quarter of section thirty, be, and the same are hereby [are] re-incorporated as a village under the name of "the village of South Lyon."

SEC. 2. The said village of South Lyon is hereby made sub- Subject to the general law. ject to the provisions of act number sixty-two of the laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, as now or hereafter amended, and shall possess all the rights and powers and be subject to all the duties and liabilities prescribed in said last named act, except as otherwise in this act provided.

SEC. 3. The present officers of said village shall continue in office with the same powers and duties as are conferred by this act and said general act number sixty-two, upon like officers, until their successors shall be elected and qualified in accordance with the provisions of this act and the said general law. Present officers to continue.

SEC. 4. The first election under this act shall be held on First election. the second Monday of April, one thousand eight hundred ninety-one, at the same place that the last village election was held in said village, at which time there shall be elected three trustees for the term of two years to succeed the three trustees of the present village whose terms of office first expire, also a village president, a village clerk, a village treasurer, a village street commissioner, a village assessor and a village constable, each for the term of one year.

SEC. 5. Notice of the time and place of holding said election and of the officers to be elected and the time and place of the meeting of the board of registration for said election shall Notice of, etc.

Inspectors of
election and
board of reg-
istration.

When to meet.

Powers of board.

Ordinances to
continue in
force, etc.

Successor of
debts, etc.

Election at time
other than time
mentioned.

be given by the village clerk of the present village at least eight days before such first election, by posting such notice in three public places in said village. The president of the present village of South Lyon and the three trustees of said village whose terms of office will first expire, shall constitute the inspectors of said first election and the board of registration therefor. Said board of registration shall meet on the Saturday previous to the day of holding said first election, at the village council room in said village, at nine o'clock in the forenoon of said day, for the purpose of completing the list of qualified electors of said village and registering the same, and shall remain in session until five o'clock in the afternoon of said day, except that they may adjourn one hour at noon for dinner. In such proceedings said board of registration shall have the same powers and proceed in the same manner and conform to the same rules, as near as may be, as is now provided for boards of registration in townships in this State and the registering of electors in such townships. Said inspectors of election in conducting said first election shall have the same powers, shall conform to the same rules and proceed in the same manner as is provided for in succeeding elections by chapter three of said general act number sixty-two of the session laws of eighteen hundred and seventy-five.

SEC. 6. All the ordinances, orders, by-laws and resolutions of the present village of South Lyon in force at the time this act takes effect, not in conflict with this act or said general act sixty-two of the session laws of eighteen hundred and seventy-five, as amended, are hereby continued in force, until the same shall be changed or repealed according to law; said village of South Lyon as hereby re-incorporated shall possess all the property and rights of said present village, and shall have full power and authority to collect and enforce, under the provisions of this act and said general law, all taxes that have been legally levied, and all debts, claims and demands that shall have accrued or become due to said present village at the time this act shall take effect. Said re-incorporated village shall be the successor of, and subject to all the debts, liabilities and obligations of the present village of South Lyon.

SEC. 7. In case the said first election shall not, for any reason, be held at the time named in this act therefor, the same may be held at any time within one year from that time on notice being given as provided by this act, but the terms of office of the trustees elected at said first election shall terminate when their successors to be elected on the second day of March, one thousand eight hundred ninety-three, shall have been elected and shall have qualified; and the terms of office of all the other officers elected at said first election shall terminate when their successors to be elected on the second Monday of March, one thousand eight hundred ninety-two, shall have been elected and shall have qualified; and the terms of office of the three trustees required to be elected on the second Monday of March, one thousand eight hundred ninety-two, shall termi-

nate when their successors to be elected on the second Monday of March, one thousand eight hundred ninety-four, shall have been elected and shall have qualified.

SEC. 8. In addition to the powers conferred by said general act sixty-two of the session laws of eighteen hundred and seventy-five, the village council of said village shall have the power to provide and ordain by ordinance that whenever any sidewalk is required to be built or repaired, said council may direct the marshal of said village to notify the owner or occupant of any lot or parcel of land in front of or adjacent to which said sidewalk is required to be built or repaired, to build or repair the same, as the case may be, and if such owner or occupant shall neglect for a time to be specified in such ordinance, to do such building or repairing, it shall be the duty of [the] said marshal to at once do, or cause the same to be done at the expense of the village; and in such case, the expense thereof shall be assessed upon such lot or parcel of land, and the same shall be a lien thereon until collected and paid, and the same shall be assessed and collected in the same manner as the ordinary village taxes are assessed and collected; and the owner so neglecting to build or repair shall be liable to the village for all damages which shall have been recovered against the village for any accident or injuries occurring by reason of such neglect.

Additional powers as to sidewalks, etc.

SEC. 9. Whenever the marshal of said village shall be authorized, under the provisions of said general act number sixty-two, to bring suit for the recovery of any tax, such suit, when authorized by a vote of the village council of said village to be begun, may be brought in the name and at the expense of said village, and in such case all costs that shall be recovered of any defendant in such suit shall belong to said village.

Suits to be in name of village.

SEC. 10. The president and trustees of said village shall receive reasonable compensation for their services not exceeding one dollar each per session, for attendance at the regular meetings of the village council.

Compensation of president and trustees.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 223.]

AN ACT to amend sections one and four of act number three hundred and five of the local acts of eighteen hundred and eighty-one, entitled "An act to incorporate the village of Harbor Springs in Emmet county," and to add a new section thereto to stand as section six.

SECTION 1. *The People of the State of Michigan enact,* That sections one and four of act number three hundred and five of the local acts of eighteen hundred and eighty-one, entitled "An act to incorporate the village of Harbor Springs

Act amended.

in Emmet county," be and the same is hereby amended so as to read as follows, and a new section is hereby added to said act to stand as section six:

Territory
incorporated.

SECTION 1. That all that territory situated and being in the township of Little Traverse, in the county of Emmet and State of Michigan, and described as follows, to wit: The south half of the southeast quarter and the south half of the southwest quarter of section twelve, and lot one and the northeast quarter of section fourteen, and all of section thirteen except that portion which is known as the grounds of the Harbor Point Resort Association, and which lies south and east of the following described lines: Commencing at station zero, as shown on J. B. Weikamps' recorded plat of Harbor Point, thence east twenty links; thence along shore of bay southerly four and one-half chains; thence south eighteen and one-half degrees west one and thirty-four hundredths chains; thence north sixty-eight degrees west two and seventy-eight hundredths chains; thence south eighteen and one-half degrees west to the outside shore of Little Traverse bay, all in township thirty-five north, of range six west; and the west half of the northwest quarter of section eighteen, in township thirty-five north, of range five west, be and the same is hereby constituted a village corporate, to be known as the village of Harbor Springs: *And it is further provided*, That the corporate limits shall extend out into and upon the waters of Little Traverse bay and harbor the entire length of the water frontage of said village thereon, for all proper police and municipal purposes, far enough, and not exceeding one-half mile from low water mark, to embrace all docks, wharves, boat houses, or other structures, and boats and vessels at rest or anchor within such limits.

Proviso.

To be governed
by general law.

SEC. 4. That said village of Harbor Springs shall, in all things not herein otherwise provided, be governed by and its powers and duties defined by an act, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and all acts amendatory thereof and supplemental thereto.

Board of
review.

SEC. 6. The village council shall at some meeting after April first, each year, and prior to the time designated for review of the general assessment roll of said village, appoint two suitable taxpaying electors of said village, who shall take and file the constitutional oath of office, and who, with the assessor, shall constitute a board of review of the assessments and shall perform all the duties of the board of review provided for in section nine, of chapter nine, of act number sixty-two of the public acts of eighteen hundred and seventy-five, being compiler's section twenty-nine hundred and thirty-one of Howell's Annotated Statutes, and of the following sections of said act relating to boards of review.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 224.]

AN ACT to vacate the township of Center, in the county of Lake, and to incorporate its territory within the township of Webber.

SECTION 1. *The People of the State of Michigan enact,* Township of Center vacated.
That the township of Center, in the county of Lake, be and the same is hereby vacated and the organization thereof dissolved and repealed; and the territory included in said township of Center, be and is hereby attached to and incorporated within the township of Webber, in said county of Lake, and shall form a part of said township of Webber.

SEC. 2. Said township of Webber is hereby made the legal Township of Webber the successor of, etc.
successor of said township of Center hereby vacated, and as such successor shall succeed to all property, real, personal, and mixed, and the rights of action belonging to said township of Center and shall assume all and pay any and all lawful debts and claims against said township; and the officers of said township of Center shall, immediately upon this act taking effect deposit the records, books, vouchers, paper, money and other property whatsoever, belonging to said township of Center, with the corresponding officers of Webber township, who are hereby declared to be the successors of the officers of the township of Center.

SEC. 3. The board of school inspectors of Webber township shall, after this act takes effect, renumber the school districts of the township hereby vacated as school districts of the township of Webber, at a special meeting of such school inspectors, to be held as provided by law. School districts to be re-numbered.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 225.]

AN ACT to amend section three of chapter one, sections two and three of chapter two, section two of chapter four, the twenty-fifth subdivision of section two and section fourteen of chapter five; sections one, two, four, five, thirteen and fourteen of chapter six; section one of chapter eight, section one of chapter ten, section one of chapter twelve and section nineteen of chapter thirteen of act number three hundred and sixty-two of the local acts of one thousand eight hundred and eighty-nine, entitled an act to incorporate the city of Ironwood in the county of Gogebic, approved April eighth, one thousand eight hundred and eighty-nine, and to add one new section thereto to stand as section nine of chapter two.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That section three of chapter one, sections two and three of

chapter two, section two of chapter four, the twenty-fifth subdivision of section two and section fourteen of chapter five; sections one, two, four, five, thirteen and fourteen of chapter six; section one of chapter eight, section one of chapter ten, section one of chapter twelve and section nineteen of chapter thirteen of act number three hundred and sixty-two of the local acts of one thousand eight hundred and eighty-nine, entitled an act to incorporate the city of Ironwood in the county of Gogebic, approved April eighth, one thousand eight hundred and eighty-nine, be and the same are hereby amended so as to read as hereinafter set forth and that one new section be added thereto to stand as section nine of chapter two.

CHAPTER I.

Division into
wards.

First ward.

SEC. 3. The said city shall be divided into six wards as follows, to wit: The first ward shall embrace all that portion of said city bounded as follows: Commencing at the intersection of Lowell street with the main track of the Milwaukee, Lake Shore and Western railway, running thence southerly along the center of said Lowell street to the north boundary of the Ashland Iron mining location, thence east to the northeast corner of said Ashland Iron Mining Company's location, thence south along the division line between the said Ashland Iron Mining Company's location and Metropolitan Iron and Land Company's mining location to the section line between said section twenty-two and section twenty-seven, thence south to the center of said section twenty-seven, thence west to the center of the main stream of the Montreal river, thence northerly along the center of said river to a point where the main track of the Milwaukee, Lake Shore and Western railway company crosses the Montreal river, thence easterly along the center of the main track of said railway to the place of beginning.

Second ward.

The second ward of said city shall embrace all that portion of said city bounded as follows: Commencing at the northeast corner of said section twenty-two, running thence west along the north lines of said section twenty-two and twenty-one to the center of the main channel of the Montreal river, thence southerly along said main channel to a point where the main track of the Milwaukee, Lake Shore and Western railway crosses said channel, thence easterly along said main track to its intersection with Lowell street, thence southerly along the center of Lowell street to its intersection with Vaughn street, thence easterly along the center of Vaughn and of East Vaughn streets to a point where the center of Norfolk street continued southerly would intersect said East Vaughn street, thence northerly through the center of said Norfolk street to the main track of the Milwaukee, Lake Shore and Western railway, thence easterly along the center of said main track to its intersection with the east line of said section twenty-two, thence north along said east line to the place of beginning.

Third ward.

The third ward of said city shall embrace all that portion of said city bounded and described as follows: All that portion

of the original plat of the village of Ironwood and of the plat of Ayer and Longyear's addition to said village of Ironwood lying east of Lowell street and south of Vaughn and East Vaughn streets; also the southwest quarter of the southeast quarter of section twenty-two, in surveyed township forty-seven north, of range forty-seven west, and the northeast quarter of section twenty-seven in said surveyed township.

The fourth ward shall embrace all that portion of said city Fourth ward. bounded and described as follows: Commencing at the intersection of East Vaughn and of Curry streets, running thence north along the center of said Curry street to the main track of the Milwaukee, Lake Shore and Western railway, thence westerly along the center of said main track to a point where the center of Norfolk street produced north would intersect said main track, thence southerly through the center of said Norfolk street to a point where it would intersect East Vaughn street, thence easterly along the center of said East Vaughn street to the place of beginning.

The fifth ward shall embrace all that portion of said city Fifth ward. described as follows: All that portion of Mansfield, Case and Longyear's addition, and of Ayer and Longyear's addition to the village of Ironwood, lying north of East Vaughn street and east of the center of Curry street. Also, all that portion of the north half of the northeast quarter of said section twenty-two lying south of the main track of the Milwaukee, Lake Shore and Western railway and east of the center of Curry street produced north to said main track; also the southeast quarter of the northeast quarter and the east half of the southeast quarter of said section twenty-two, the west half and the west half of the southeast quarter of said section twenty-three, and the northwest quarter and the west half of the northeast quarter of said section twenty-six.

The sixth ward of said city shall embrace all that portion of Sixth ward. said city described as follows: The northeast quarter and the east half of the southeast quarter of said section twenty-three, the west half of said section twenty-four, the northwest quarter of said section twenty-five and the east half of the northeast quarter of said section twenty-six.

CHAPTER II.

SEC. 2. The following officers shall be appointed by the mayor of said city, viz.: One marshal, one director of the poor, who shall possess all the powers of a director or overseer of the poor in townships under the laws of the State, one city attorney, one assessor, one street commissioner, one health officer, fire wardens, one city surveyor, one chief engineer of the fire department and such other officers as the common council may from time to time provide for as necessary to carry out the powers granted by the charter of the city. Said officers shall be appointed within twenty days after the qualification of the mayor in each year, and he shall notify the common council at its next meeting of said appointments, and the Appointive officers, etc.

Terms of office,
etc.

appointment of any officer so made shall be confirmed by a majority vote of all the aldermen elect of said city. In case no officers are appointed on or before the first Monday of May the old officers shall hold over until their successors are appointed and qualified as herein prescribed, unless sooner removed by competent authority. All officers appointed under this section shall enter upon the duties of their respective offices on the first Monday of May in each year, and shall hold their offices for one year thereafter, and until their successors are appointed and qualified. They shall file their oaths of office with the recorder, and such security for the faithful discharge of the duties of their offices as may be required under the provisions of this act, with the city treasurer before entering upon the duties of their offices.

Council to designate number of constables, etc.

SEC. 3. The common council may, from time to time, by resolution entered on its records, proceed to designate the number of constables, nightwatchmen or policemen, sealers of weights and measures, and such other officers as may be proper to carry into effect the powers herein granted, and as the common council may from time to time direct. All officers provided for in this section shall hold their offices during the pleasure of the mayor, but no longer than the first Monday of May following thereafter, unless re-appointed by the mayor. The officers provided for in this section shall file their qualifications with the recorder within ten days after being so appointed.

First election of aldermen.

SEC. 9. At the annual election to be held in said city on the first Monday in April, one thousand eight hundred and ninety-one, the electors of the respective wards in said city shall proceed to elect the requisite number of aldermen prescribed by the charter of the city to represent the respective wards: *Provided, however,* That the present aldermen of said city shall continue to represent the respective wards in which they reside at the time of the passage of this act until their term of office expires or their offices become vacant: *Provided further,* That this section shall not apply to any alderman who shall change his place of residence after the first day of March, one thousand eight hundred and ninety-one.

Proviso.

Further proviso.

CHAPTER IV.

Vacancy, how filled.

SEC. 2. When any vacancy occurs in any of the offices which are appointed by the mayor, either by death, resignation, removal of the incumbent, or otherwise, the mayor shall fill such vacancy by appointment for the remainder of the unexpired term for which such officer was appointed in the same manner as officers are appointed at the beginning of his term of office.

CHAPTER V.

Power of council.

SEC. 2. *Twenty-fifth,* To prescribe the duties of all the appointive officers of said city and their compensation, and the

penalties for failing to perform such duties; and prescribe the bonds and security to be given to the officers of the city for the discharge of their duties, and the time for executing the same, in case not otherwise provided for by law.

SEC. 14. To enable the common council to fully and effectually carry out and perform the powers conferred upon them by this act, they may borrow money at a rate of interest not to exceed eight per cent per annum, and issue the bonds of the city [therefor] therefore, signed by the mayor and recorder, but no money shall be borrowed for a longer period than ten years and the question of making such loan shall be submitted to the qualified electors of said city, at some annual or special election called for that purpose, in the same manner as other special elections are called under this act; but before any loan of money shall be authorized by a vote of such electors of said city, written or printed notice shall be posted by the recorder in at least three public places in each ward, specifying the object or objects for which money is proposed to be borrowed. The common council may provide by ordinance the manner of voting upon any question of borrowing money, but the votes shall be canvassed and the result certified and determined in the same manner as the result of other votes are canvassed by the provisions of this act: *Provided*, That the total indebtedness of the city for borrowed money shall never exceed forty thousand dollars at any time: *Provided further*, This section shall not apply to money borrowed to provide a water-works system for said city.

Power to borrow money, etc.

Proviso as to limit of indebtedness.

CHAPTER VI.

SECTION 1. The mayor shall be the chief executive officer of the city, and shall also be president of the common council, and shall countersign all orders drawn upon the city treasurer, and see that all of the officers of said city faithfully comply with and discharge their official duties; that all laws pertaining to the municipal government of said city, and the ordinances and resolutions of the common council are faithfully observed. He shall have the same power as conservator of the peace, within the limits of the city, as any justice of the peace has, or may by law have, and to this end it shall be lawful for him, when any person shall in his presence be guilty of a breach of the peace or a violation of any of the ordinances of the city, punishable by fine or imprisonment, to direct the marshal or other officer forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without unreasonable delay, proceed to the examination and trial of the party arrested. He shall also have power and it shall be his duty to preserve order and decorum in the council room during the session of the common council, and for this purpose may order any disorderly person to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours. The

Powers and duties of mayor.

Idem.

mayor shall, by virtue of his office, be authorized to take the acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, perform marriage ceremonies, which justices of the peace are authorized to do, and may affix to any official certificate the seal of the city. He shall have power to suspend or remove from office any officer of said city, except the recorder, treasurer, the justices of the peace, and members of the common council, when, in his opinion, the interests of the city require such suspension, and may designate and appoint any competent person to fill such office during the pleasure of the mayor, or until the officer is reinstated or a successor is duly appointed. Whenever the mayor suspends any officer he shall report such suspension and his reasons therefor at the next regular meeting of the common council. The common council may then, or at some subsequent meeting, re-instate said officer by a vote of two-thirds of all the aldermen elect of said city voting for said re-instatement.

Duty of recorder,
etc.

SEC. 2. The recorder shall be the clerk of the common council, and shall perform all the duties and have all the statutory powers of a township clerk in respect to the filing and custody of all papers required to be filed, and the performance of all statutory duties. He shall keep a fair and accurate record of the proceedings of the common council, and a record of all claims allowed by them. He shall [also] draw all orders on the treasurer for claims and accounts allowed by the common council, and shall keep an account, as near as may be, to which fund the same belongs. The recorder shall appoint a deputy, for whose acts he shall be responsible, but without cost to the city for the services of such deputy.

Deputy recorder.

Duties of
aldermen.

SEC. 4. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council; to act upon committees when thereto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, to maintain peace and good order, and to perform all other duties required of them by this act.

Duty of marshal.

SEC. 5. The marshal of said city shall be the chief of police; see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regulations. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and other persons in the discharge of the duties imposed upon him by law. He may appoint such number of deputies as the common council shall direct, subject to their approval, who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the

May appoint
deputies.

people of the State, as sheriffs or constables have, by law, to execute similar process.

SEC. 13. The school inspectors elected as hereinbefore provided, with the mayor and city attorney, shall constitute the board of school inspectors of said city, and shall perform the same duties as school inspectors of townships except as herein provided, and in the performance of such duties such school inspectors shall be governed by the same laws as school inspectors in townships. The recorder of said city shall be the clerk of the board of school inspectors. The city treasurer shall be *ex officio* treasurer of the board of school inspectors. The mayor shall be chairman of said board and shall, on the third Monday of April, one thousand eight hundred and ninety-one, nominate and appoint a board of six trustees for the city library of the city of Ironwood, said appointment to be approved by the board of school inspectors, two of which said trustees shall hold their offices for the term of three years, two for the term of two years and two for the term of one year and until their successors are appointed and qualified, and annually thereafter the mayor shall appoint as heretofore specified two trustees for the period of three years. Said board shall be known as the board of trustees of the Ironwood library. The mayor shall be *ex officio* chairman, and the city recorder shall be clerk thereof. All money provided in this act to be raised for library purposes shall, when paid into the city treasurer, be at the exclusive disposal of said board of trustees, and all orders drawn by said board on the city treasurer shall be signed by the chairman and clerk. Said board shall purchase all the books for the city library, and shall have exclusive right to make rules for the government and management of said library. Meetings of the board of trustees may be held whenever called by the mayor, and said board may adopt rules and regulations providing for the holding of regular and special meetings, for the calling of the same, and for the mode of transacting business before said board. The treasurer shall keep all moneys raised for library purposes in a fund to be known as the library fund, and he shall, whenever required by said board, file a statement of the condition of said fund with the recorder of said city. The street commissioner shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, sidewalks, cross-walks or other public grounds within the limits of the city in such manner as he may be from time to time directed; and he shall give a bond in such penalty and with such surety as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner, and for the accounting for and paying over of all moneys that may come into his hands as such officer by virtue of his office; and he shall be the fence viewer of the city, and possess all the powers and be subject to the same liabilities as fence viewer in townships.

Board of school inspectors.

Clerk of.

Treasurer of.

Chairman of.

Board of trustees for library.

Of library fund.

Purchase of books.

Meetings of trustees, etc.

Duty of street commissioner.

Duties of other
officers.

SEC. 14. All other officers whose duties are not herein expressly prescribed, and which the common council are herein authorized to provide for, shall perform such duties as the common council may require; and all officers who shall have the control or management of any of the money or property of the city, may be required to give such security as the common council may prescribe and approve, and in default thereof the common council may declare the office vacant.

CHAPTER VIII.

Duty of assessor.

SECTION 1. The assessor of said city shall make and complete the assessment of all the real and personal property in said city liable to be taxed, and in the same manner and within the same time, as near as may be, as is required by law for the assessment of property in the several townships of this State, and in doing so shall, in all respects, unless when otherwise in this act provided, conform to the provisions of law governing the actions of supervisors in the [townships] township of this State in the assessment of property and the levying of taxes.

CHAPTER X.

Compensation
of officers.

SECTION 1. The officers of said city shall be entitled to receive out of the city treasury the following sums in full payment for their services: The mayor and aldermen shall be entitled to receive for their services such sums as may be voted by the common council, not to exceed twenty-five dollars each per year. The recorder shall be entitled to receive such salary as the common council may allow, not exceeding six hundred dollars per annum. The assessor shall be entitled to receive not to exceed three hundred dollars per annum. The city attorney shall be entitled to receive not to exceed four hundred dollars per annum. The marshal shall be entitled to receive not to exceed ten hundred dollars per annum, which shall be in full for all services rendered to said city. Said marshal shall be entitled to receive from said city for the board of prisoners, confined in said city prison, on city process, the same compensation allowed the sheriff of Gogebic county for board of prisoners by the board of supervisors. Said marshal shall not receive from said city any other compensation, fees or perquisites, except as hereinbefore provided, and said marshal shall not hold any county office or any other city office while he shall be city marshal. The justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers for similar services, but the marshal acting as deputy or under sheriff, or constable, shall be entitled to no compensation from the city for any service rendered by him to said city as such deputy or under sheriff, or constable. The street commissioner shall be entitled to receive such salary as the common council shall direct, not to exceed six hundred dollars per annum. The directors of the poor and school inspectors shall be entitled to not more than two dol-

lars per day for the time actually employed by them. Police-men and nightwatchmen shall not be paid more than two dollars per day or night for actual services rendered. The common council shall have full and exclusive authority to prescribe the compensation of the foregoing officers of said city subject to the foregoing limitations. If any officer whose compensation is limited in this act accepts, receives or takes a greater salary or compensation, or fees or perquisites than is prescribed and limited in this act, in any manner whatever, either directly or indirectly, from said city, he, and all members of the common council voting or allowing him the same, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, with costs, or by imprisonment in the county jail, in default of paying fine, not less than thirty days nor more than ninety days in the discretion of the court.

Taking of greater salary, etc., a misdemeanor.

CHAPTER XII.

SECTION 1. The common council of said city shall be the board of health of said city, and the mayor shall, as heretofore provided for, appoint a competent physician to be the health officer thereof.

Board of health.

CHAPTER XIII.

SEC. 19. The board of trustees of the Ironwood library shall, annually, on or before the first Monday of May in each year, appoint a librarian, who shall have charge of the city library, with the same powers that the township clerks have with the township libraries. Such librarian shall take the constitutional oath of office within ten days after his or her appointment, and file the same with the recorder. He shall hold his office for one year and until his successor is appointed and qualified, but may be removed at any time at the pleasure of the mayor and said board of trustees, who may appoint another librarian in his stead. The librarian shall receive a compensation to be determined by said board of trustees, not to exceed two hundred and fifty dollars per annum, said amount to be paid out of the general fund of the city on the order of the clerk countersigned by the chairman. The common council shall, annually, in each year, raise two hundred and fifty dollars for the purpose of buying books for said library, in addition to the moneys received from the county treasurer or license fund for such purpose. The common council shall also have power to otherwise maintain and improve said library and provide for its location, when not inconsistent with the provisions of this act. The books of said library shall always be free to all residents of the said city, under such regulations and limitations as the board of trustees may prescribe.

Librarian, appointment and duties of, etc.

Compensation.

Council to raise money for books, etc.

Books free to residents of city.

This act is ordered to take immediate effect.

Approved March 18, 1891.

[No. 226.]

AN ACT to constitute the president of the village of Newberry an *ex officio* member of the board of supervisors of Luce county, and to fix his compensation.

President to be
ex officio a mem-
ber of board of
supervisors.

SECTION 1. *The People of the State of Michigan enact*, That the president of the village of Newberry shall be and is hereby made *ex officio* a member of the board of supervisors of Luce county, with all the powers, privileges and duties of other members of said board.

Compensation.

SEC. 2. That said *ex officio* member shall receive as compensation for his services the sum of three dollars per day for every day he is in actual attendance at the sessions of said board; said compensation to be paid in the same manner and out of the same funds as the compensation of other members of the board is paid.

Ordered to take immediate effect.

Approved March 21, 1891.

[No. 227.]

AN ACT to provide for the construction and maintenance of roads and bridges in and by the county of Saginaw, and to authorize said county to raise money therefor by issuing bonds.

Authority to
raise money.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of Saginaw county may, and they are hereby authorized and empowered, to submit to the electors of said county whenever, and as often as they think necessary, the question of raising, by loan upon the bonds of said county, such sums, not exceeding two hundred thousand dollars at any one time, as said board shall determine, to be expended by and under the direction of said board in the construction and maintenance of such roads and parts of roads in said county, and in the construction and maintenance of such bridges on the line of such roads in said county, as said board shall determine ought to be constructed and maintained at county expense, under the provisions of this act. The said board of supervisors, at any session thereof lawfully held, may submit to the electors of said county the question of raising, by loan upon the bonds of said county, any sum of money as and for the purposes aforesaid, and said electors may vote thereon at any annual or general election, and such vote shall be taken, and return thereof made, as provided in chapter seventeen of Howell's Annotated Statutes of Michigan: *Provided*, That the ballots used in such election shall be in the following form, namely: "For the road and bridge loan" and "Against the road and bridge loan:" *And further provided*, That notice of

Limit of loan.

Submitted to
vote of electors.

Proviso as to
ballots.

Proviso as to
notice.

such election shall be deemed sufficient if posted and published for the period of ten days prior to the [time] of holding the election.

SEC. 2. When authorized by a vote of the electors of said county, taken and returned as herein provided, to issue bonds for the purposes aforesaid, the board of supervisors of Saginaw county shall determine the rate of interest said bonds shall bear, not exceeding five per cent per annum, and the length of time said bonds shall run, and shall cause said bonds, with interest coupons attached, to be issued, signed by the chairman and clerk of said board of supervisors as hereinafter provided. Such bonds shall be negotiated under the direction of said board of supervisors, at not less than the face value thereof, and the money received [therefor] thereof shall be paid into the county treasury of said county, there to be kept as a separate fund, to be designated "The road and bridge fund," and to be drawn therefrom and used only in the manner and for the purpose mentioned in this act. Such bonds shall be each for the sum of one thousand dollars, and such number thereof shall, from time to time, be signed, issued and negotiated as aforesaid, as the said board of supervisors, from time to time, shall determine to be necessary to pay for the work authorized by this act and by said board determined to be done.

Supervisors to determine rate of interest, etc.

Bonds, how negotiated.

Funds to be kept separate.

SEC. 3. For the purposes of this act said board of supervisors are hereby authorized and empowered to declare any legal highway in said county of a State road; and thereafter to construct and maintain such highway, and any bridge therein, or so much of such highway, or such bridge therein, as shall be designated for such purpose by said board: *Provided*, That when any highway so designated for improvement shall be one which was opened by township commissioners of highways no bonds shall be negotiated or money raised to construct and maintain the same, and no money raised under the provisions of this act shall be expended upon such highway, until the township board and the commissioner of highways of the township or townships under whose jurisdiction such highway may be, shall consent to, and approve of, the proposed improvement thereof by the county authorities, and shall, for such purposes, surrender to the county their control of such highway, which surrender, consent and approval shall be in writing, signed by the highway commissioner and a majority of the township board, and filed with the county clerk. And when it is proposed to construct or maintain any bridge, at a point where there already is a bridge which was constructed by any township or townships, no money shall be raised or expended for such purpose until the highway commissioner and township board of the township or townships which have constructed such bridge shall, as aforesaid, have filed with the county clerk their surrender of such bridge and their consent to, and approval of, the improvement thereof by the county authorities. For the purposes aforesaid the township board and highway commissioner of every township in said county are hereby

Authorized to declare any legal highway a State road.

Provide as to approval of township bonds.

empowered to bind their respective townships by such surrender, consent and approval; and upon filing the same, in either case, the right of said board of supervisors to construct and maintain such highway or bridge in the manner proposed shall be complete; and the road or bridge in question shall be, and continue to be, under the jurisdiction of the county authorities of said county for the purpose of construction and maintenance, until the board of supervisors of said county relinquish control of the same. The county clerk shall report to the board of supervisors, at the earliest opportunity, the fact of filing such surrender, consent and approval in all cases.

Road commissioners.

SEC. 4. The said board of supervisors are hereby authorized and empowered to appoint a board of three road commissioners each of whom shall be an elector of said county one of whom shall reside in some township east of the following line, namely: Commencing at the north line of Saginaw county in the center of the Saginaw river, and extending southwesterly along the center line of said river and the Shiawassee river to the west line of the township of Spaulding, thence south upon the west line of the townships of Spaulding, Albee and Maple Grove, to the south line of the county, one in some township west of said line, and one in the city of Saginaw. At the first election one of said commissioners shall be elected for one year, one for two years and one for three years, and each year thereafter said board of supervisors shall elect one road commissioner for the term of three years, and each of said commissioners shall hold his office until his successor is elected and qualified. Each of said commissioners, before entering upon the duties of his office, shall subscribe and file with the clerk of said county the oath of office prescribed by section one, article eighteen of the constitution, and shall also give bonds for the faithful performance of his duties, in such sum as shall be fixed, and with such sureties as shall be approved by said board of supervisors. No person holding a county or township office except the office of notary public, shall be elected to or hold the office of road commissioner. Vacancies in the office of commissioner may be temporarily filled by the chairman and clerk of the board of supervisors by an appointment in writing, to be filed in the office of the county clerk, and the person so appointed shall take the constitutional oath of office, and give bonds in a sum to be fixed, and with sureties to be approved, by said chairman and clerk and shall hold his office until the first meeting of the board of supervisors thereafter when such vacancy shall be filled for the remainder of the term by said board. The board of supervisors shall designate one of said commissioners to be chairman and one to be secretary of said board of road commissioners.

Election of commissioners, terms, etc.

Oath of office.

Who not eligible.

Vacancies, how filled.

Chairman and secretary.

Commissioners, how known, power of, etc.

SEC. 5. Said commissioners shall be known as the board of Saginaw road commissioners, and as such board subject to the provisions of this act, shall have the care, charge and control of the construction, improvement, preservation and maintenance of such roads and bridges within said county as the board of

supervisors shall determine to construct, improve and maintain. Said commissioners shall keep a full and perfect record of all their acts, meetings and proceedings as such board, and such record, when not required by the board, shall be placed and left in the office of the county clerk. Said commissioners shall each receive for his services three dollars per day for the time actually and necessarily employed in the performance of the duties of his office. Compensation.

SEC. 6. The board of supervisors of said county shall have the power, and it shall be their duty, to determine what roads and parts of roads, and also what bridges in said county, shall be constructed and maintained by said county under the provisions and authority of this act, and the general plan and character of the construction and the improvement to be made and it shall thereupon be the duty of said board of road commissioners immediately to settle upon and prepare detailed plans and specifications for such construction or improvement in accordance with the general plan determined upon by the board of supervisors, and for that purpose said board of commissioners may require the assistance of the county surveyor in making surveys, taking levels, preparing estimates, and drafting and preparing such plans and specifications. All work and the furnishing of materials therefor shall be let to the lowest responsible bidder, and said board of road commissioners shall advertise for sealed proposals for the doing of such work and furnishing [material] materials therefor by notice to be published for not less than ten days successively in two daily newspapers printed and circulated in said county; and said commissioners shall have power to accept or reject any bid or proposal that may be received and, in the name of said county, to enter into contracts for doing such work and furnishing material therefor, according to such plans and specifications. Duty of supervisors.
To advertise for proposals, etc.

SEC. 7. Money in the county treasury to the credit of the road and bridge fund shall be drawn therefrom only upon an order directed to be issued by the board of road commissioners, signed by the chairman and secretary of said board, and containing a certificate that the money mentioned in the order is due the person to whom the same is made payable, for work and labor performed in the construction or improvement of roads and bridges authorized by this act, specifying the road or bridge, or for material furnished for such construction or improvement, or for work and labor actually performed in the care, repair, preservation or maintenance of such roads and bridges. Money, how drawn.

SEC. 8. The money raised under the provisions of this act shall be applied exclusively to the construction, improvement, reconstruction, extension, repair, care, preservation and maintenance of roads and bridges as provided herein. Said road commissioners shall have full charge of the construction, reconstruction, improvement and extension of said roads and bridges, subject to the direction of said board of supervisors as in this act provided, and shall keep the same in repair, and for Money, how applied.

that purpose may employ such agents, assistants and workmen as may be necessary therefor; but said road commissioners shall not have power to incur or create [any] and debt or obligation against said county beyond the amount of money actually in the county treasury at the time which may be legally applied to the payment thereof. On the first day of the October session of said board of supervisors in each year, said board of road commissioners shall present to said board of supervisors a full statement and detailed report of their proceedings for the current year, showing all money received and disbursed by them, and on what account the same was disbursed, which report shall be signed by said commissioners or a majority of them, and shall be verified as correct by the affidavit of the chairman or secretary of the board. The board of supervisors may at any time require said commissioners to make a report as aforesaid, and when so required said commissioners shall immediately make such report. Said road commissioners shall not be pecuniarily interested, either directly or indirectly, in any contract made with reference to said roads or bridges, or any work done or to be done thereon, or any materials furnished or to be furnished therefor.

May require reports.

Not to be expended in Saginaw City.

SEC. 9. No money raised under the provisions of this act shall be expended within the corporate limits of the city of Saginaw.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 228.]

AN ACT to authorize the township of Tawas, in the county of Iosco, Michigan, to borrow money upon its bonds to pay judgments entered on its bonds issued for Tawas and Grant Plank Road.

Authority to borrow money and issue bonds.

Limit of loan. When due and payable.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Tawas, in the county of Iosco, Michigan, be and it is hereby authorized and empowered to borrow on the faith and credit of said township, the sum of twenty thousand dollars. One thousand dollars shall be due and payable in two years from the date of said loan, one thousand dollars in three years, one thousand dollars in four years, one thousand dollars in five years, one thousand dollars in six years, one thousand dollars in seven years, one thousand dollars in eight years, one thousand dollars in nine years, one thousand dollars in ten years, one thousand dollars in eleven years, one thousand dollars in twelve years, one thousand dollars in thirteen years, one thousand dollars in fourteen years, one thousand dollars in fifteen years, one thousand dollars in sixteen years, one thousand dollars in seventeen years, one thousand dollars in eighteen years, one thousand

dollars in nineteen years, one thousand dollars in twenty years, and one thousand dollars in twenty-one years, at a rate of interest not exceeding six per cent per annum, payable semi-annually, and to execute coupon bonds of said township therefor in such form as said board shall determine, said bonds and coupons to be signed by the supervisor and clerk of said township board.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township, voting at the annual township election meeting to be held in said township, called for that purpose, on the sixth day of April, [A. D.] one thousand eight hundred and ninety-one, shall so determine; and it is hereby made the duty of the township board of said township to give due notice that the question of issuing said bonds will be voted on at said township meeting, by posting in five public places in said township, not less than ten days before said election, written or printed notices, which notice shall state the amount of money proposed to be borrowed and the purpose to which it shall be applied.

Loan must be authorized by a majority vote of electors.

SEC. 3. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words, "For the loan." And ballots against the loan shall be in the following words, "Against the loan." And it shall be the duty of the township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots, both for and against such proposition, printed or written in the form above indicated, and to furnish the same to all electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other township elections. Immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate, showing the whole number of votes cast upon such proposition and the number for and against respectively, and not later than the third day following such election said inspectors shall indorse upon said certificate the declaration in writing over their hands of the result of said election, which declaration and certificate shall then forthwith be filed with the clerk of said township, and a copy thereof shall be filed with the clerk of Iosco county.

Vote to be by ballot, etc.

Election, how conducted, etc.

Canvass.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the payment of judgments existing and pending, and the costs of said suits in the United States district court for the eastern district of Michigan, at the date said bonds shall be issued, and the necessary expenses incident to the issue of said bonds, and for no other purposes whatever; and in case of the issue of said bonds it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon,

Money, how expended.

Duty of supervisor, etc.

and also an installment of the principal thereof falling due in any such year, and the said interest shall be payable by the said treasurer after the same shall become due, on presentation to him of the proper coupons; and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bonds.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 229.]

AN ACT to authorize the village of Hancock in the county of Houghton, to borrow money and issue bonds therefor for the purpose of making public improvements in said village of Hancock.

Authority to
borrow money
and issue bonds.

Limit of loan.

Provide as to
majority vote
of electors.

Notice of
election to be
given, etc.

Ballots.

Other proceed-
ings to be under
general law.

Bonds, time to
run, rates of
interest, etc.

SECTION 1. *The People of the State of Michigan enact,* That the board of trustees of the village of Hancock, in the county of Houghton, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor, to an amount not exceeding fifty thousand dollars, which shall be expended in making sewerage improvements in said village of Hancock: *Provided,* That a majority of the qualified electors of said village who are present and voting at an annual election or at a special election called for that purpose, shall vote therefor.

SEC. 2. Before any loan provided for in this act can be voted upon at any election, a public notice shall be given by order of the board of trustees, and signed by the recorder of said village, by publishing the same in a newspaper in said village, if there be one in said village, and if there be no newspaper printed or published in said village, then by publishing the same in any newspaper in said county, for at least two weeks before said election, and said notice shall state that the electors of said village will be called upon to vote upon such loan and the amount of such loan.

SEC. 3. The vote on any loan, under the provisions of this act, shall be by ballot, which shall have written or printed, or partly written and partly printed, thereon the words, "For the loan," or "Against the loan," and be deposited in a separate box, to be labeled "Village loan," and the other proceedings had therein shall be held under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," being act number sixty-two of the public acts of Michigan of the year eighteen hundred seventy-five, and acts amendatory thereof, or supplementary thereto.

SEC. 4. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at a time or times not exceeding twenty years, with such rates of

interest, not exceeding seven per centum per annum, as the village board of trustees shall direct, and shall be signed by the president and countersigned by the recorder of said village and sealed with the seal of said village, and negotiated by or under the direction of said board of trustees, and the money arising therefrom shall be appropriated in such manner as said board of trustees shall determine, for the purposes aforesaid, and said board of trustees shall have power and it shall be their duty to raise, by taxes upon the taxable property of said village, such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

To be raised
by tax.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 230.]

AN ACT to authorize the city of Saginaw to borrow money for the purpose of constructing, adding to and improving the water-works system in the western taxing district of said city, and to issue bonds therefor and charge all payments and expenses thereof to, and to collect the same from said district.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Saginaw, be, and it is hereby authorized and empowered to borrow on the faith and credit of said city, not to exceed the sum of one hundred thousand dollars for a period of not to exceed twenty years, at [a] rate of interest not to exceed five per cent per annum, and to make, issue, negotiate and sell bonds therefor with interest coupons attached at such time and in such manner and form as said common council shall determine, but said bonds shall be marked on the back thereof "western taxing district water bonds:" *Provided,* That a majority of the qualified electors of the western taxing district of said city voting upon the subject at any duly noticed election hereafter held in said district shall vote in favor of such loan in the manner specified in this act, and not otherwise.

Authority to
borrow money
and issue bonds.

Limit of loan.

Proviso.
Vote of electors.

SEC. 2. The same notice in point of time, manner and certainty of purpose of such election shall be given as is or may be required for notices of election for city and ward officers in said district, and the ballots to be used thereat shall be furnished by said city, and shall read, "For the one hundred thousand dollar Tittabawassee river water-works loan—Yes," and "For the one hundred thousand dollars Tittabawassee river water-works loan—No." And such election, counting, returning, canvassing and declaring of such ballots and elections shall be the same as near as may be, as in the case of officers voted for at the same election, and if such loan be thus authorized and made, the

Notice to be
given.

Ballots.

Money, how
expended.

proceeds of the bonds sold shall be used in constructing, adding to and improving the water-works system in said district by procuring the supply of water for said district from the Tittabawassee river and not otherwise, and shall be expended by and under the direction of the board of water commissioners of said city.

Bonds to be
paid by city.

SEC. 3. Said bonds, together with the interest thereon, and all expenses incident to the issuing, negotiating and selling thereof and the expense of the election herein provided for, together with the expenses of making such improvement shall be first paid by said city, but so fast as any such payment shall be made the amount thereof shall be charged to said western taxing district, and the same shall be spread in the tax roll of said district made next after such payment by said city and shall be levied on, assessed against and collected from the taxable property within said district and to the whole amount thereof, together with interest at six per cent per annum on all such payments so made by the city from the date thereof, until said city is fully reimbursed and repaid with interest therefor, and the obligation of said district to said city shall not cease until said city has been so paid and all needed re-assessments for the purpose of paying such obligations are hereby authorized.

To be charged
to western
district.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 231.]

AN ACT providing for two voting precincts for the township of Holmes, in the county of Menominee, defining the limits thereof, providing for a new registration of the voters thereof, and determining who shall be inspectors of election, and members of the board of registration therein.

Division into
precincts.

SECTION 1. *The People of the State of Michigan enact,* That the votes of the township of Holmes, in the county of Menominee, shall be cast in two separate precincts, at all general, regular and special elections held therein.

Ten days notice
to be given.

SEC. 2. Ten days' previous notice of such division of the township into two voting precincts shall be published by authority of said inspection board by posting written or printed notice of the same as provided by law for such elections.

Precinct No. 2.

SEC. 3. The following described territory in said township shall be denominated election precinct number two, to wit: Township number thirty-six north, range twenty-eight west, and west half of township number thirty-six north, range twenty-seven west. All the remainder of said township of

Precinct No. 1.

Holmes as now organized and not embraced in the territory

above described shall constitute and be denominated election precinct number one.

SEC. 4. The supervisor and two justices of the peace whose terms of office shall soonest expire shall constitute the board of inspectors of election of voting precinct number one; and the township clerk and remaining two justices of the peace shall constitute the board of inspectors of election of voting precinct number two.

Board of inspectors of No. 1.

Board of inspectors of No. 2.

SEC. 5. All electors residing in precinct number two as thus defined, shall cast their ballots at such place within said precinct as the township board of said township shall determine as the polling place of said voting precinct number two, which polling place shall be at or near southeast corner of town thirty-six north, range twenty-seven west, and all electors residing in precinct number one, as thus defined, shall cast their ballots at such place within said precinct as the township board shall determine as the polling place of said precinct number one.

Polling place for precinct No. 2.

Township board to determine polling place for precinct No. 1.

SEC. 6. After the polls are closed, the inspectors of election of each precinct shall proceed to count the votes of their respective precincts separately, and, after they are so counted and found or made to correspond with the poll lists, the two boards shall meet in joint canvass in precinct number one and the consolidated report shall be the official canvass of said township.

Votes in each precinct to be canvassed separately.

SEC. 7. There shall be a new registration of all the voters of said township previous to the next annual township meeting held therein.

New registration.

SEC. 8. The township board of said township shall provide, at the expense of said township, two books in which to register the qualified electors of said township, one of which shall be used for voting precinct number one and the other for voting precinct number two, in which shall be registered the names of the qualified voters of the respective precincts as provided by law. The inspectors of election as provided for by section four of this act shall act as boards of registration in their respective precincts.

Registration books, township board to provide, etc.

SEC. 9. The boards of registration shall meet at the places fixed by the township board for holding elections in the respective precincts, on the two Saturdays next preceding the next township meeting, and thereafter shall hold meetings as provided by law, at all general, special and township elections in said township; the board of inspectors of election in each precinct shall have and exercise the same power in respect to registering voters on election day, in their respective precincts as is conferred upon inspectors of election by existing law.

Boards of registration, when and where to meet.

Powers of board of inspectors.

This act is ordered to take immediate effect.
Approved March 21, 1891.

[No. 232.]

AN ACT to divide the township of McMillan, in the county of Ontonagon, into two election districts.

Divided into
election districts.

Number one.

Number two.

First election in
district No. 1,
where held.

In No. 2, where
held.

To be subject to
general law,
etc.

SECTION 1. *The People of the State of Michigan enact,* That the township of McMillan, in the county of Ontonagon be, and the same is hereby divided into two election districts as follows: District number one shall consist of all the following described territory, to wit: All of townships numbered forty-eight and forty-nine north, ranges thirty-eight and thirty-nine west; and district number two shall consist of all the following described territory, to wit: All of townships forty-seven and forty-eight north, range forty west.

SEC. 2. The first election to be held on the first Monday in April, in the year one thousand eight hundred and ninety-one, in said district number one, shall be held at the office of the township board near Bruce's Crossing, in said township; and said election to be held in district number two shall be held at Clark, Farnham and Co.'s store in the village of Ewen in said township.

SEC. 3. Said election districts, when so formed, shall be subject to all the provisions of act number two hundred and three of the session laws of eighteen hundred and seventy-seven, being chapter eight of Howell's Annotated Statutes of Michigan, except the first section thereof, and all elections held therein shall be conducted in the manner and by the officers prescribed by said act, and the votes cast thereat shall be canvassed in accordance with the requirements of said act and the general law of this State relating to the canvassing of votes at elections.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 233.]

AN ACT to incorporate the village of Eau Claire in the county of Berrien.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all that certain tract or parcel of land lying and being situated in the townships of Pipestone and Berrien, in the county of Berrien and State of Michigan, known and described as follows, to wit: Commencing at a point one hundred rods west of the northwest corner of section four of Berrien township, thence north sixty rods, thence east two hundred rods, thence south two hundred rods, thence west two hundred rods, thence north one hundred and forty rods to the place of beginning, be and the same is hereby made and constituted a village corporate by the name of the village of Eau Claire.

SEC. 2. The first election of officers of said village shall be held on the third Monday in April in the year eighteen hundred and ninety-one at Stapleton's hall in said village, at which election the polls shall be opened at nine o'clock in the forenoon and be kept open until five o'clock in the afternoon of said day, at which time they shall be closed; notice of which election shall be posted in three public places in said village by the board of registration hereinafter appointed, at least ten days prior to such election. First election.

SEC. 3. N. V. Lovell, E. Hoyt and Joseph Tennant are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and they shall meet at Stapleton's hall on the Saturday preceding the third Monday in April, eighteen hundred and ninety-one, at nine o'clock in the forenoon and remain in session until four o'clock in the afternoon of said day, and register the names of all persons presenting themselves for registration, who reside within the limits of the territory described in section one, and who have the qualifications of voters under the constitution of the State of Michigan; and notice of said registration shall be given by said board at the same time and in the same manner as provided in section two for giving notice of the first election in said village. Board of registration.

SEC. 4. The said village of Eau Claire shall, in all things not herein otherwise provided, be governed and its powers and duties defined by the provisions of an act, entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, and all acts amendatory thereof and supplementary thereto. Notice of registration to be given.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on like notice being given, as required herein. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration. The members of said board of registration shall take the constitutional oath of office before entering on the discharge of their duties. To be governed by general law.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 234.]

AN ACT to incorporate the village of Gaston in the county of Wexford.

SECTION 1. *The People of the State of Michigan enact,* That all that certain tract or parcel of land lying and being situated in the townships of Boon and South Springville, in the county of Wexford and State of Michigan, known and described Territory incorporated.

	as follows, to wit: The southwest quarter of section seven, the northwest quarter of section eighteen, township twenty-two north, of range eleven west; the southeast quarter of section twelve, the northeast quarter of section thirteen, township twenty-two north, of range twelve west, county of Wexford, State of Michigan, is hereby constituted a village corporate known and designated as the village of Gaston.
Name.	
First election.	SEC. 2. The first election of officers in said village shall be on the second Monday of April, in the year of our Lord eighteen hundred and ninety-one at the K. O. T. M. hall, in the said village, and Wm. Eaton, James Z. Stanley and John Smith shall constitute the board of election, which said election shall be held and conducted in all respects, not otherwise provided, as provided in the general law for the incorporation of villages.
Board of election.	
Election, how held.	
Board of registration.	SEC. 3. Messrs. J. A. Blodgett, Frank L. Odgen and Will Barry are hereby constituted a board of registration for the purpose of registering the voters for the first election to be held in said village; and said board of registration is hereby required to meet on the Saturday preceding the second Monday of April, eighteen hundred and ninety-one, at the K. O. T. M. hall in said village, to register the names of all persons, residents of said village, presenting themselves for registration, and having the qualifications of voters at annual township meetings.
When to meet, etc.	
Notice of first election.	SEC. 4. Notice of said first election of officers of said village shall be printed in the Wexford County Pioneer, at least two weeks prior to such election, and be posted in three of the public places in said village at least ten days before the time of said election, which notice may be signed by any five electors in said village.
Governed by the general law.	SEC. 5. The said village of Gaston, in all things not herein otherwise provided, shall be governed by, and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.
Election at time other than time designated.	SEC. 6. In case the officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in section two of this act, notice therefor being first given as provided in section four of this act.
	This act is ordered to take immediate effect. Approved March 21, 1891.

[No. 235.]

AN ACT to amend section three of act number three hundred and eighty of local acts of eighteen hundred and eighty-nine, being an act, entitled "An act to revise and amend an

an act entitled 'An act to organize the union school district of the city of Alpena,' approved April fourth, eighteen hundred and seventy-three and the acts amendatory thereof," approved April twenty-fifth eighteen hundred and eighty-nine.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That section three of an act entitled "An act to revise and amend an act entitled 'An act to organize the union school district of the city of Alpena,' approved April fourth, eighteen hundred and seventy-three, and the acts amendatory thereof," approved April twenty-fifth, eighteen hundred and eighty-nine be and the same is hereby amended to read as follows:

SEC. 3. Within ten days after such election the members of the board of education shall meet and the mayor of the city shall be president of the board, and in the absence of the president at any meeting a majority of the members present may choose one of their own number president *pro tem*. In all cases of a tie vote, the president shall be entitled to give the casting vote. Meeting of board, etc. In case of a tie vote.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 236.]

AN ACT to incorporate the village of Fruitport, in the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.
That the following described territory in the counties of Muskegon and Ottawa, Michigan, to wit: All of sections thirty-five and thirty-six in township nine north, range sixteen west, in Muskegon county, and that part of section two in township eight north, range sixteen west, in Ottawa county, located north and east of Stahl bayou, and north and west of Spring lake, said last mentioned tract containing nineteen and sixty-two hundredths acres, be, and the same is hereby constituted a village corporate, by the name of the village of Fruitport. Name.

SEC. 2. The first election of officers of said village shall be held on the thirteenth day of April, one thousand eight hundred ninety-one, at the town hall in said village. First election.

SEC. 3. Robert Lamoreaux, Thomas Burdick, and Nathan Douglas, are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and [the] said board of registration are hereby required to meet on the Saturday preceding the thirteenth day of April, one thousand eight hundred ninety-one, aforesaid, and register all persons residing within the corporation limits of said village presenting themselves for registration Board of registration.

and having the qualifications of voters at annual township meetings.

Notice of election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village, at least ten days before the time of said election, which notice may be signed by any five freeholders in said village.

Placed under general law.

SEC. 5. The said village of Fruitport shall, in all things not otherwise provided for, be governed by and its powers and duties defined by existing statutory laws of Michigan relative to incorporated villages.

Election at time other than time designated.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election of officers may be held at any time within one year from the time designated in said section two of this act, on notice being given as provided in section four of this act.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 237.]

AN ACT to detach certain territory from the township of Readmond, Emmet county, and to attach the same to the township of Cross Village, Emmet county.

Territory detached.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, three, four and five, in township thirty-seven north, of range six west, in Emmet county, be and the same is hereby detached from the township of Readmond in said county, and attached to the township of Cross Village, in said county.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 238.]

AN ACT to authorize the township of Eagle, Clinton county, to borrow six thousand dollars or less to build two bridges, one across Grand river on section line between sections twenty-nine and thirty, and one across the Lookingglass river on section line between sections thirteen and fourteen.

Authority to borrow money and issue bonds.

SECTION 1. *The People of the State of Michigan enact,* That the township of Eagle, Clinton county, is hereby authorized to borrow six thousand dollars or less on the bonds of said township to build two bridges, one across Grand river on section line between sections twenty-nine and thirty, and one across the Lookingglass river on section line between sections thirteen and fourteen.

SEC. 2. The question of bonding said township for the six thousand dollars or less, shall be submitted to the qualified electors of said township at the next annual township meeting to be held in said township after like notice as is required to be given for the raising of money for bridge purposes in ordinary cases. To be submitted to electors.

SEC. 3. The principal of said bonds shall be made payable not to exceed two thousand dollars in any one year and shall draw interest not to exceed seven per cent per annum. How made payable.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 239.]

AN ACT to designate and establish a State road in the county of Bay, through the townships of Bangor, Monitor and Williams.

SECTION 1. *The People of the State of Michigan enact,* That a State road be and the same is hereby established, commencing at a point in the township of Bangor, Bay county, Michigan, where the Kawkawlin State road intersects the section line between sections six and seven in township fourteen north, range five east, and running thence westerly between sections six and seven in township fourteen north, range five east, and between sections one and twelve, sections two and eleven, sections three and ten, sections four and nine, sections five and eight, sections six and seven, in township fourteen north, range four east, and also between sections one and twelve, sections two and eleven, sections three and ten, sections four and nine, sections five and eight, sections six and seven in township fourteen north, range three east to the east line of Midland county; such State road to be designated as the Bangor, Monitor and Williams State road and placed within and under the control of the stone road commissioners of Bay county. Location of road.

SEC. 2. There shall annually be expended thereon such sum of money, raised by the stone road tax, as shall be apportioned thereto by the board of supervisors and stone road commissioners of Bay county. Amount to be expended annually.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 240.]

AN ACT to authorize the board of water and fire commissioners of the city of Marquette to borrow money and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That the board of water and fire commissioners of the city Authority to borrow money.

Amount of loan. of Marquette, in the county of Marquette be and they are hereby authorized to borrow money to the amount of twenty-five thousand dollars, to be expended in the erection of additional buildings and machinery for the water-works of said city, for such time as they shall deem expedient, and at a rate of interest not exceeding six per cent per annum, upon the credit of said city of Marquette. And they are hereby authorized to issue bonds therefor, pledging the faith and credit of said city, for the payment of the principal and interest of said bonds, which bonds shall be issued under the seal of said board of commissioners, and shall be signed by them or a majority of them. Said bonds may be issued with or without interest coupons, and in such form in other respects as said board shall deem expedient.

Bonds to be issued.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 241.]

AN ACT to re-incorporate the city of Escanaba, in the county of Delta, to add territory thereto, and to repeal all acts and parts of acts in contravention thereof.

CHAPTER I.

CITY AND WARD LIMITS.

Territory re-incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory in the county of Delta and State of Michigan, to wit: The south fractional half of section eighteen, fractional section nineteen, fractional section twenty-nine, fractional section thirty, fractional section thirty-one and fractional section thirty-two, all in township thirty-nine north, range twenty-two west; the south half of section thirteen; all of section twenty-four; all of section twenty-five; all of section thirty-six in township thirty-nine north, range twenty-three west; fractional section six, fractional section seven, township thirty-eight north, range twenty-two west, and fractional section one, township thirty-eight north, range twenty-three west, be and the same hereby is set off and declared to be and hereby is organized and incorporated as a city to be known as and by the name of the city of Escanaba, and the said city shall have and enjoy full jurisdiction over the waters adjacent thereto in all respects, as over the territory herein specifically described, for one statute mile from the shore line of such waters.

Division into wards.

First ward.

SEC. 2. The said city shall, for the time being, be divided into seven wards, bounded and described as follows, to wit: The first ward shall consist of that part of said city described as follows: The territory lying north of a line drawn through

the center of Wells avenue, from a central point at the junction of said Wells avenue and Elmore street eastward to the waters of Green bay, and east of a line running northward from said central point, at said junction to the waters of Little Bay De Noc. The second ward shall consist of that part of said city, Second ward. described as follows: The territory south of said line running through the center of Wells avenue, and east of a line extending southward from the said junction point of said Wells avenue and Elmore street, to the center of First street, running thence west to the east line of Bay street, and thence southward along said east line and the west line of block numbered seven of Glazer's addition, to the waters of Green bay. The Third ward. third ward shall consist of that part of said city described as follows: The territory west of a line drawn from the central junction point of Hale and Elmore streets, northward to the waters of Little Bay De Noc, and east of a line drawn from the central junction point of Hale and Jennie streets, extended northward to said waters, and bounded on the south by a line drawn through said Hale street from Jennie street to Elmore street. The fourth ward shall consist of that part of said city Fourth ward. described as follows: The territory west of a line drawn from the central junction point of Hale and Elmore streets, southward to the center of First street, running thence west to the eastern line of Bay street, and thence south along said eastern line and through the west line of block seven of Glazer's addition to the waters of Green bay, and east of a line extending from the central junction point of Hale and Jennie streets southward to the city limits, as in this charter defined, and bounded on the north by a line drawn from the central junction point of Hale and Jennie streets, to the central junction point of Hale and Elmore streets. The fifth ward shall consist Fifth ward. of that part of said city described as follows: The territory west of a line drawn from the central junction point of Hale and Jennie streets, northward to the east and west subdivision line, through the north half of section thirty, township thirty-nine north, range twenty-two west, and north of a line drawn from the central junction point of Elmore and Hale streets, westward to the north and south subdivision line drawn through the west half of said section thirty, thence southward to the east and west subdivision line drawn through the south half of section thirty, and thence along said east and west subdivision line produced to the city limits; said ward shall be bounded on the west by the city limits, and on the north by the east and west subdivision line through the north half of said section thirty, produced through section twenty-five to said city limits. The sixth ward shall consist of that part of said Sixth ward. city described as follows: The territory west of a line drawn from a central junction point of Hale and Jennie streets, and running southward through the center of said Jennie street extended in a straight line to the city limits as herein defined, and south of a line drawn from said central junction point westward through the center of Hale street to the north and

south subdivision line, running through the west half of section thirty, thence south to the east and west subdivision line, through the south half of section thirty, thence west to the city limits; said sixth ward shall be bounded on the west and south by the city limits. The seventh ward shall consist of that part of said city described as follows: All that portion of the territory included within the limits of said city of Escanaba as defined in the first section of this act and not [included] within the first, second, third, fourth, fifth and sixth wards.

SEC. 3. Whenever in the next preceding section of this act, street lines or street junctions are referred to, they shall be held to mean the street lines and junctions of streets of the city of Escanaba, as incorporated by act number two hundred forty-five, local acts of the year one thousand eight hundred eighty-three.

CHAPTER II.

EFFECT OF INCORPORATION.

SECTION. 1. The city shall be a body politic and corporate under and by the name of the city of Escanaba; and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purpose for which it is incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred.

SEC. 2. Judicial notice shall be taken in all courts and proceedings in this State, of the existence of the city of Escanaba, as incorporated under this act, and of all changes, at any time made, in the corporate limits of the said city by the annexation of territory thereto, or otherwise, and of the boundaries of all wards, and of all changes made at any time in the boundaries of any ward in the city.

SEC. 3. All ordinances, by-laws and resolutions in force in the city of Escanaba, when this act shall take effect and not inconsistent herewith, shall continue in full force and effect until repealed or amended by the council established by this act.

SEC. 4. All rights and property of any kind and description, which were vested in the city of Escanaba under its former organization, shall be deemed and held to be vested in the corporation created under this act, and no rights or liabilities either in favor of, or against the city of Escanaba, under its former organization, existing at the time of the passage of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made and all debts and liabilities of the former city of Escanaba shall be deemed to be the debts and liabilities of the corporation created under this act, and all taxes levied and uncollected at the time of such change, shall be collected the same as if such change had

not been made: *Provided*, That when another or different Proviso. remedy is given in this act which can be made applicable to any rights, existing at the time of incorporation of the city, under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be [used] issued accordingly.

CHAPTER III.

ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of said city having the quali- Who are electors. fications of electors under the constitution of the State, and no others, shall be electors therein.

SEC. 2. Every elector shall vote in the ward, where he shall Residence. have resided, during the ten days next preceding the day of election; the residence of any elector not being a householder, shall be deemed to be in the ward in which he occupies a home or room, or in which he sleeps.

SEC. 3. The aldermen of the first, second, third and fourth Boards of registration, duties, etc. wards and such persons as may be designated by the city council as boards of registration in the fifth, sixth and seventh wards shall, on the Saturday next preceding the first city election under this act, convene as boards of registration for their respective wards at such places in each of said wards as may be designated by the city council, and they shall remain in session from eight o'clock in the forenoon until eight o'clock in the evening of said day, and they shall make a list of the qualified voters residing in each of said [wards] ward, and they shall enter the names of said voters in books to be provided for that purpose, and also the lot, block and street, on which electors reside, or other satisfactory description of their respective residences, and the books so provided shall be deemed the register of electors for such ward, and they shall be deposited with the city clerk immediately after the completion of such registration.

SEC. 4. The first election under this act shall be held on the First election. first Monday in April, in the year one thousand eight hundred ninety-one. It shall be held at such places, in each of the wards of said city, as may be designated by the city council, in the first, second, third and fourth wards; the supervisors and aldermen shall constitute the board of inspectors of election, and in the fifth, sixth and seventh wards, such boards shall each consist of three persons, electors within such wards, who shall be appointed by the city council at least three days preceding the time fixed for holding said election.

SEC. 5. Notice of said first election, as well as of the registra- Notice to be given. tion provided for in section three of this chapter, shall be given by the city clerk of the present city of Escanaba by publication in one or more newspapers published in said city, and also by printed notices to be posted in at least five public places in each of the wards herein provided for, in which notices the

places at which elections and sessions of the boards of registration shall be held shall be designated.

Canvass of votes.

SEC. 6. Immediately after closing the polls the inspectors of election shall, without adjourning, publicly canvass the votes received by them and declare the result, and shall make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificates on the day of election, or on the next day, together with said poll lists and the register of electors and the boxes containing said ballots in the office of the clerk of the city of Escanaba.

Mayor and council to determine result.

SEC. 7. The mayor and the city council of the present city of Escanaba shall convene on the second Thursday next succeeding such first election, at their usual place of meeting, and determine the result of the election and what persons were duly elected at the said election to the several offices respectively, and the city clerk shall, within five days, make a transcript of such record, and file the same, duly certified by him, as such clerk, with the county clerk of the county of Delta, which record so entered shall be sufficient notice of their election to all persons elected.

Oath of office.

SEC. 8. All officers so elected, at such first election, except justices of the peace, shall, within ten days after their election, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk of the city of Escanaba. Justices of the peace elected at such first election, shall take and file the oath of office with the county clerk of the county of Delta within the same time and in the same manner as in cases of justices of the peace elected in townships.

Board of registration, after first.

SEC. 9. After such first election, the aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of a change of boundary in any ward, or the formation of a new ward, or other cause, there shall not be any or sufficient number of aldermen, representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward.

In case of changes in wards.

SEC. 10. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change, shall meet previous to the time prescribed by law for giving notices of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another [ward], or to the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

SEC. 11. When a new ward shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session two days, and notice of the formation of such ward and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board. New wards.

CHAPTER IV.

OFFICERS, [QUALIFICATION] QUALIFICATIONS OF, OFFICIAL OATHS AND BONDS.

SECTION 1. The following officers shall be elected in the city incorporated by this act: A mayor, a city clerk, a city treasurer and four justices of the peace. Elective city officers.

SEC. 2. In each ward a supervisor, two aldermen, two school inspectors and a constable shall be elected. Ward officers.

SEC. 3. The city council shall appoint the following officers: A president, *pro tem*; a city attorney, city marshal, street commissioner, city assessor, city surveyor, health officer, city physician, and chief engineer of the fire department, and a director of the poor. The city council may, in its discretion, also appoint three members of a board of public works, three members of a board of sewerage commissioners and three members of a board of park commissioners. Authority is also given said city council, to provide by ordinance, for the appointment of, and to appoint for such term as may be designated in such ordinance, such other officers whose election or appointment is not herein specially provided for as the council shall deem necessary for the execution of the powers granted by this act, and the council may remove such officers at pleasure. The powers and duties of such officers shall be prescribed by ordinance. Appointive officers.
Other appointive officers.

SEC. 4. Appointments to office by the council, except appointments to fill vacancies, shall be made on the third Tuesday of April in each year, but appointments which for any cause shall not be made on that day, may be made at any regular meeting of the council. When to be made.

SEC. 5. The mayor, [city marshal] city clerk, city treasurer, street commissioners, supervisors and constables, shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices. One alderman and one school inspector from each ward shall be elected annually, for the term of two years from the first Monday in April of the year when elected, and until his successor is elected and qualified, except as is hereinafter provided. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election, except as hereinafter provided. Terms of office.

- Idem.** SEC. 6. At the first election held, as provided in chapter four of this act, there shall be elected two [aldermen] alderman and two school inspectors from each ward, one of each for the term of one year, and one of each for the term of two years, who shall hold their respective offices until their successors shall be elected and qualified; and the term for which each is elected shall be designated upon the ballots cast for him:
- Proviso.** *Provided, however,* That aldermen and school inspectors of the present city of Escanaba whose term of office shall not expire until the year one thousand eight hundred ninety-two, and who continue to reside in the wards for which and in which they were elected, shall continue in office during the full term for which they were elected.
- Present justices to continue.** SEC. 7. The justices of the peace now elected, and serving as such, in the present city of Escanaba, shall continue as such justices, until the expiration of their respective terms. At the first and every subsequent election held under the provisions of this act, there shall be elected one justice of the peace for the term of four years beginning on the fourth day of July next ensuing, and also such number of additional justices as may be necessary to fill any vacancies, that may exist at the time of the holding of such elections. When justices of the peace shall be elected to fill vacancies, the term for which they shall be so elected shall be designated on the ballots. Justices elected to fill vacancies shall enter upon their duties immediately after complying with the provisions of law with respect to qualifying.
- Terms of appointed officers.** SEC. 8. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the third Tuesday of April next after such appointment, and until their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be provided in this or in the ordinance creating the office.
- Terms of justices of the peace.** SEC. 9. Justices of the peace elected for the full term of four years, shall enter upon the duties of their offices on the fourth day of July next after their election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security, if any required, for the performance of the duties of the office.
- Qualifications for office.** SEC. 10. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof, and no person shall be elected or appointed to any office in the city who has been, or is a defaulter to the city [or] on any board of officers thereof. All votes for, or any appointment of any such defaulter shall be void.
- Oath of office.** SEC. 11. Justices of the peace elected under this act shall take and file an oath of office with the county clerk of the county of Delta within the same time and in the same manner as in cases of justices of the peace elected in townships; and all justices of the peace elected for a term for less than four

years shall file their oaths of office within ten days after their election. All other officers elected or appointed in the city shall, in ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.

SEC. 12. Every justice of the peace within the time limited Bonds. for the filing his official oath, shall file with the county clerk mentioned in the preceding section, the security for the performance of the duties of his office required by law in the case of justices of the peace elected in townships, except that said official bond or security may be executed in presence of, and be approved by the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond, or security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships. And every other officer elected or appointed in the city before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law, or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

SEC. 13. The council, or mayor, or other officer whose duty Approval of bonds. it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance [or direction] of the council, shall inquire into the sufficiency of such sureties and examine them under oath as to their property; such oath may be administered by the mayor, or any alderman or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him and annexed to and filed with the bond or instrument to which it relates.

SEC. 14. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums and with new or such further sureties, as said council may deem requisite, for the interests of the corporation, and failure to comply with such requirement, shall subject the officer to immediate removal by the council. New bonds.

SEC. 15. Resignations of officers shall be made to the Resignations. council subject to its approval and acceptance.

SEC. 16. If any officer shall cease to be a resident of the Vacancies. city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall become a defaulter to the city, the office shall thereby be vacated.

SEC. 17. If any person elected or appointed to office, shall Idem. fail to take and file the oath of office, or shall fail to give the

bond or security required for the due performance of the duties of his office, within the time therein limited therefor, the council may declare the office vacant, unless previous thereto, he shall file the oath and give the requisite bond or security.

Vacancies, how filled.

SEC. 18. A vacancy in the office of Mayor, or of any alderman, occurring more than ninety days before an annual city election, shall be filled by a special election. A vacancy in the office of Mayor, or of any alderman, occurring within ninety days before an annual election, and all vacancies in the office of justices of the peace, shall be filled at the next annual election. A vacancy in the office of [any] school inspector, shall be filled by the board of education of the city, for the unexpired portion of the term, from the ward in which such vacancy may occur. Vacancies in any office occurring within ninety days before an annual election, except as to justices of the peace, shall be filled by appointment, by the council, within twenty days after the vacancy occurs.

Not released from liability.

SEC. 19. The resignation or removal of any officer shall not, nor shall the appointment or election of another, to the office, exonerate such officer, or his sureties from any liability incurred by him or them.

To turn over books, records, etc.

SEC. 20. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected, or appointed, shall expire, he shall on demand, deliver over to his successor in office, all [the] books, papers, money and effects in his custody as such officer, and in any way appertaining to his office, and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers, generally, for the like offense, under the general law of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provision of such general laws of the State.

CHAPTER V.

ELECTIONS.

Annual election.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such places in each of the several wards of the city as the council shall designate.

Special election.

SEC. 2. Special elections may be appointed by resolution of the council and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice of special election.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election, in the ward or wards, where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted

to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election, shall be the same as at the annual elections.

SEC. 4. Notice of the time and place or places, of holding any elections, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least eight days before such election, by posting such notices, in three public places in each ward in which such election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election, the notices shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election. Notice of election.

SEC. 5. The council shall provide and cause to be kept by the city clerk for use at all elections, suitable ballot boxes, booths and other appliances of the kind required by law, to be kept and used in townships. Ballot boxes.

SEC. 6. On the day of elections, held by virtue of this act, the polls shall be opened in each ward at the several places designated by the council, at seven o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. This section shall also apply to the time of the opening and closing the polls at the first election under this act. The inspectors shall cause proclamation to be made of the opening and closing of the polls as required by law in townships. Polls.

SEC. 7. The supervisor and the two aldermen of each ward, shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards, or by a change in the boundaries of existing wards, or for any reason, there shall not be sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of electors who, with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if, at any election any of the inspectors above provided for shall not be present, or remain in attendance, the electors present may choose, *viva voce*, such number of such electors as with the inspector or inspectors present shall constitute a board of three in number, and such electors, so chosen, shall be inspectors at that election. Inspectors of election.

SEC. 8. The inspectors shall choose one of their number, chairman of the board, and the others shall be clerks of election, or, when necessary, the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election, shall take the constitutional oath of office, which oath either of the inspectors may administer. Chairman and clerk of board.

Inspectors of
State elections,
etc.

SEC. 9. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county and district elections in their respective wards.

Elections, how
conducted.

SEC. 10. All elections held under the provisions of this act shall be conducted as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes as are conferred by law upon inspectors of general elections held in this State.

Ballots.

SEC. 11. The electors shall vote by ballot, and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon, shall be separate, and be deposited in a separate box.

Ballots to
designate term.

SEC. 12. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term, the term for which such person is to be elected shall be designated on the ballot.

Duty of in-
spectors.

SEC. 13. It shall be the duty of the inspectors, on receiving the vote as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose; the board shall also write or cause to be written, the name of electors voting at such election, in two poll lists, to be kept by said inspectors of election, or under their direction, and such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors.

Canvass of
votes, etc.

SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person and the whole number of votes given upon each question voted upon, and the number given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with said poll lists, and the register of electors, with the boxes containing said ballots, in the office of the city clerk.

Manner of
canvassing votes.

SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall, in all other respects, except as herein otherwise provided, conform as nearly as may be, to the duties required of inspectors of election at such general elections.

Council to
determine
result, etc.

SEC. 16. The council shall convene on the Thursday next succeeding each election, at their usual place of meeting, and

determine the result of the election, upon each question and proposition voted upon, and what persons were duly elected at [the] said election, to the several offices, respectively, and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices, respectively, one of which certificates, he shall file in the office of the county clerk of the county of Delta, and the other shall be filed in the office of the city clerk.

SEC. 17. The person receiving the greatest number of votes for any office in the city or ward shall be deemed to have been duly elected to such office; and if there shall be no choice, for any office, by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

SEC. 18. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such person of such appointment.

SEC. 19. Within one week of the time in which any official bond or oath of office is required to be filed, the clerk shall report in writing to the council, the names of the persons elected or appointed to any office, who shall have neglected to file such oath, and requisite bond or security for the performance of the duties of the office.

CHAPTER VI.

DUTIES AND COMPENSATION OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city; he shall, when present, preside at meetings of the council and shall, from time to time, give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, to see that the laws relating to the city, and the ordinances and regulations of the council, are enforced. He shall also countersign all orders and warrants drawn on the city treasurer.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city, the powers conferred upon sheriffs to suppress disorder, and shall have authority, to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorderly conduct.

SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman, for neglect

of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé, or officer of the corporation, and shall perform, generally, all such duties as are or may be prescribed by the ordinances of the city.

In case of
absence.

SEC. 4. In the absence or disability of the mayor, or in the event of vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

Members of
council.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council, as conservators of the peace; they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman.

Not to hold
other office.

Powers and
duties of.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act, or the ordinances of the city, entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record all its proceedings, ordinances, and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the [matters] matter therein contained, to the same extent, as the originals would be; he shall possess and exercise the powers of township clerk, so far as the same are required to be performed, within the city; and he shall have authority to administer oaths and affirmations.

To be account-
ant.

SEC. 7. The city clerk shall be the general accountant of the city, and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter claims of the city, and the true balance, as found by him, to the council for allowance and, when allowed, shall draw his warrant upon the treasurer for the payment thereof, which warrant shall be countersigned by the mayor, designating thereon the fund from which payment is to be made, and to take the proper receipts therefor. When any tax money shall be levied, raised or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the object and funds for which it is to be levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Draw warrants.

Report tax.

To have super-
vision over
certain officers,
etc.

SEC. 8. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts

and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account of each fund. When any fund is exhausted, the clerk shall immediately advise the council thereof.

Keep complete set of books, etc.

Account with treasurer.

SEC. 9. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties, pertaining to his office, as the council may require. He shall extend the taxes upon all assessment rolls.

Statement of finances.

SEC. 10. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidence of value belonging to the city; he shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he shall pay no money out of the treasury, except in pursuance [of] and by authority of law and upon warrants signed by the clerk and countersigned by the mayor, except as in this act otherwise provided, which warrants shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant, out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the clerk.

Duties of city treasurer.

SEC. 11. The treasurer shall render to the clerk, on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what amount received, and the amounts paid out by him from each fund during the preceding month and the amount of money remaining in each fund, on the day of his report. He shall also exhibit to the council, annually, on the third Tuesday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein, by the funds, to which receipts are credited and out of which disbursements are made, and the balances remaining in each fund, which accounts shall be filed in the office of the clerk and shall be published in one of the newspapers of the city.

Monthly reports.

Annual exhibits.

SEC. 12. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which payment was made, and the voucher or warrant upon

Shall take receipts.

which it was paid, and file the same with the clerk with his monthly report.

Prohibited from using.

SEC. 13. The city treasurer shall keep all moneys in his hands, belonging to the city, separate and distinct from his own moneys and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, in his custody or keeping, for his own use or benefit, or that of any other person; any violation of this section shall subject him to immediate removal from office, by the city council, who are hereby authorized in such case to declare the office vacant, and to appoint his successor for the remainder of his term.

Duty of assessor.

SEC. 14. It shall be the duty of the city assessor, annually, to assess all the property in said city liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying taxes lawfully imposed thereon, and he shall, for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State, except as may be otherwise hereinafter provided; the assessor shall have power to administer oaths and affirmations, whenever necessary to the proper discharge of the duties of the office. He shall have a seat in the city council and may speak in that body, upon all matters relating to the duties of his office, but he shall receive no compensation whatever, for any duties he may perform for the city, other than his salary, to be fixed by the city council, except services on the board of review.

Chief of police.

SEC. 15. The city marshal shall be the chief of police of the city; as police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety, health, and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be [invested] vested with all the powers conferred upon sheriffs, for the preservation of quiet and good order. He shall serve and execute all process, directed or delivered to him in all proceedings for violations of the ordinances of the city; such process may be served anywhere [within] in the State.

Riots, etc.

SEC. 16. He shall suppress all riots, disturbances, and breaches of the peace, and for that purpose may command the aid of the citizens, in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process any person found in the act of committing any offense against the laws of the State, or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets, until they shall become sober, when they shall be taken before a magistrate to be dealt with according to law.

SEC. 17. The marshal shall report in writing and on oath to Report. the council at their first meeting in each month, all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month, also the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury, and the treasurer's receipt therefor shall be filed with the city clerk.

SEC. 18. The city marshal may collect and receive the same Fees. fee for services performed by him, as are allowed to constables for like services. He may appoint such number of deputies as Deputies. the council shall direct and approve who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible and the marshal and his deputies shall have the same powers to serve and execute all process, within the city limits, as sheriffs or constables have, by law, to execute similar process. The marshal shall receive no other compensation by way of fees or otherwise from the city, except such salary as the council may fix.

SEC. 19. The city attorney in addition to the other duties Duties of attorney. prescribed in this act, shall be the legal adviser of the council, and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

SEC. 20. The city surveyor shall have and exercise in the Powers and duties of surveyor. city, the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, survey and plats, as are given by law to the acts and surveys of county surveyors; he shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city, relating to public improvements, buildings, grounds, and streets of the city.

SEC. 21. It shall be the duty of the street commissioner, to Duty of street commissioner. perform or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the city, as the council shall direct to be done, by or under his supervision and to oversee and do, whatever may be required of him, in relation thereto by the council.

SEC. 22. He shall make a report to the council, in writing, Reports. and on oath once in each month, giving an exact statement of all labors performed by him, or under his supervision, and the charges therefor; the amount of material used, and the expense thereof and the streets or places where such material was used, or labor performed; and further, showing the items and purpose of all expenses incurred, since his last preceding report and no payment for labor, or services performed, or for expenses incurred by him, shall be made until reported on oath as aforesaid.

Powers of.	SEC. 23. The constables of the city shall have the like powers and authority, in matters of civil and criminal nature and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.
Duty of.	SEC. 24. The constables of the city shall obey all lawful orders of the mayor [aldermen], alderman and chief of police, and of any court or justice of the peace, exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than twenty-five dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties thereof as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.
Bonds.	
Powers and duties.	SEC. 25. The supervisors shall represent their several wards in the board of supervisors of the county in which the city is located and shall have all the rights, privileges, and powers of the several members of such board of supervisors. The mayor and city assessor shall be members of the board of supervisors of Delta county and represent the interests of this corporation in said board and, as such supervisors, shall be entitled to receive the same compensation as other supervisors, for attendance upon said board. The supervisors of the several wards shall select and return list of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers, and they shall also discharge all duties incumbent upon supervisors in townships except as herein otherwise provided. For the purpose of selecting such grand and petit jurors, the supervisors shall have access to all assessment rolls of the city.
Of jurors.	
Duties of.	SEC. 27. The school inspectors of the city shall perform such duties in and for the city, and for the public schools, as are required [of school inspectors, elected in townships, so far as such duties are applicable, or shall be required] under this act. They shall also perform such duties as members of the board of education as are in this act prescribed.
Jurisdiction of.	SEC. 28. The justices of the peace [elected] in said city, under the provisions of this act, shall have and exercise therein, and within the county, the same jurisdiction and powers, in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are, or may be conferred upon or required of justices of the peace, by the general laws of the State. They shall have authority to hear, try, and determine all actions and prosecutions for the recovery or enforcement of fines, penalties

and forfeitures for violations of this act, and for encroachments upon and injuries to any of the streets, alleys, and public grounds, within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcement of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violation of such ordinances as in the ordinance prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter nine of this act.

SEC. 29. The [proceeding] proceedings in all suits and actions before said justices, and in the exercises of the powers and duties conferred upon and required of them shall, except as otherwise provided in this act, be according to and be governed by, the general laws applicable to courts of justices of the peace, and to the proceedings before such officers. General laws to govern.

SEC. 30. Every justice of the peace shall enter in the docket kept by him, the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every cause, and the items of all costs taxed or allowed therein; and also the amounts and dates of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required. To make certain entries in docket.

SEC. 31. All fines, penalties and forfeitures, collected or received by any justice of the peace for or on account of violations of the penal laws of the State and all fines, penalties, or forfeitures and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the third Tuesday of the month next after the collection or receipt thereof, and the justice shall take the receipt of the city treasurer therefor, and file the same with the city clerk. Or fines, etc.

SEC. 32. Every such justice shall report on oath, to the council, at the first regular meeting thereof in each month the name of every person against whom a prosecution has been commenced or judgment rendered, for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, including the amount of [cost] costs assessed against any person prosecuted, and whether such costs have been paid or not and the amount thereof paid to the city treasurer since the last [preceding] proceeding report. Reports.

SEC. 33. All fines recovered for the [violations] violation of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before [justices] justice of the Disposition of fines. Expenses.

peace of the city for violations of said criminal laws and, in punishing the offenders, shall be paid by the county in which the city is located.

Bond to city.

SEC. 34. Each justice of the peace, in addition to any other security required by law, to be given for the performance of his official duties shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties, to be approved by the mayor, which approval shall be indorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace, within and for the city.

When guilty of misconduct.

SEC. 35. Any justice of the peace, who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties required by this act, or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punished accordingly, and may be suspended from office, by the council during its pleasure.

To account for moneys, etc.

SEC. 36. Every justice of the peace of the city, shall account on oath to the council at their first meeting in each month, for all such moneys, goods, wares and property seized as stolen property, as shall then remain unclaimed in his office, and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

SEC. 37. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient and prescribe by ordinance or resolution.

Salaries.

SEC. 38. The mayor and [aldermen] alderman may each receive such salary, not exceeding one hundred dollars per year, as may be prescribed by the council; the city marshal, city clerk, treasurer, city attorney, city assessor, street commissioner, health officer, city physician, chief engineer of the fire department, and director of the poor shall each receive such annual salary as the council shall determine by ordinance. Justices of the peace, constables and officers serving process and making arrests may, when engaged in causes and proceedings for violation of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Not to be changed during term of office.

SEC. 39. The salary or rate of compensation to any officer, elected or appointed by authority of this act, shall not be increased or diminished during his term of office and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when, during the same, the salary or rate of compensation has been increased by the council: *Provided, however,* That [aldermen] alderman and supervisors may receive in addition to their salaries such compensation as the council

Proviso.

may allow them for services on the board of registration and as inspectors of election.

CHAPTER VII.

THE CITY COUNCIL.

SECTION 1. The legislative authority of the city shall be vested in a council, consisting of the mayor, two [aldermen] alderman elected from each ward, and the city clerk. Legislative authority.

SEC. 2. The mayor shall be president of the council and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote. Mayor to be president.

SEC. 3. On the third Tuesday in April in each year, the council shall appoint one of their number president *pro tempore*, of the council who, in the absence of the president, shall preside at the meetings thereof and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the mayor and president *pro tem.*, the council shall select one of their number to preside and, for the time being, he shall exercise the powers and duties of the president *pro tem.* President pro tem.

SEC. 4. The city clerk shall be clerk of the council but shall have no vote therein. He shall keep a full record of all the proceedings of the council and perform such other duties, relating to his office, as the council may direct. In the absence of the clerk the council shall appoint one of their number to perform the duties of his office for the time being. Clerk of council.

SEC. 5. The [aldermen], alderman each of whom shall be entitled to a vote in all of the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon. Duty of aldermen.

SEC. 6. The council shall be judge of the election and qualification of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than one of which shall be held in each month. The council shall, by ordinance, declare how special meetings shall be called. Judge of duties, etc., of members. Meetings.

SEC. 7. All meetings and sessions of the council shall be held in public. A majority of the [aldermen] alderman shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members, in such manner as shall be prescribed by ordinance, but no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the [aldermen] alderman elect; nor shall any vote of the council be considered or rescinded unless there be present as many [aldermen] alderman as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, Sessions to be public. Quorum. Two-thirds vote in certain cases. Appropriations.

nor shall any ordinance or resolution appropriating money be passed or adopted, except by a vote of the majority of all the [aldermen] alderman elected to office, except as herein otherwise provided.

Rules, etc.

Voting.

SEC. 8. The council shall prescribe the rules of its own proceedings and keep a record or journal thereof. All votes shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative, and within one week of any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Proceedings to be published.

May compel attendance.

SEC. 9. The council may compel the attendance of its members and other officers of the city at its meetings, in such a manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance, prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present, at any session of the council.

Who to have seats and take part in.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor and chief engineer of the fire department and city assessor, shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects, relating to their different departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Cannot vote.

Control of finances, etc.

SEC. 11. The council shall have control of the finances and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Ordinances may be enacted.

SEC. 12. Whenever, by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Standing committees.

SEC. 13. The council may provide by ordinance, for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters, as may be properly referred to them; such committees shall be appointed by the mayor.

Records, etc., where kept.

SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council and all books, documents, reports, contracts, receipts, vouchers, and papers relating to the finances and affairs of the city, or to official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk and be so arranged, filed, and kept as to be convenient of access and inspection and all such records, books, and papers shall be subject to inspection by any inhabitants of the city, or other person interested therein, at all reasonable times, except such parts thereof as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for

the time being. Any person who shall secrete, injure, deface, Injury to, etc. alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof, from being known shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

SEC. 15. No member of the council or alderman shall receive any compensation for his services either as councilman, alderman, committee man or otherwise, except [as] herein provided. Not to receive other compensation.

SEC. 16. No member of the council, or any officers of the corporation, shall be interested, directly or indirectly, in the profits of any contract, job, work or services other than official services, to be performed for the corporation. Any member of the council or officer of the city herein specified, offending against the provisions of this section shall, upon conviction thereof, be fined not less than fifty, nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office. Not to be interested in contracts. Penalty for.

SEC. 17. Any person appointed to office by the council, by authority of this act, may be removed therefrom by a vote of the majority of the [aldermen] alderman elect and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of all the [aldermen] alderman elect. In case of elective officers, provisions shall be made by ordinance for preferring charges and trying the same; and no removal of an officer shall be made unless a charge in writing is preferred, and an opportunity given him to make a defense thereto. Removals.

SEC. 18. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor or any justice of the peace of the city, is empowered at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council or any committee thereof. How to investigate charges.

SEC. 19. Whenever the council or any committee of the members thereof, shall be authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee, for the time being, shall have power to administer the necessary oath; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace. Of witnesses.

SEC. 20. The council shall audit and allow all accounts chargeable against the city; but no account or claim or contract, shall be received for audit, or allowance, unless it shall be accompanied with the affidavit of the person rendering it, or of some one in his behalf, to the effect that he verily Accounts.

believes that the services or property therein charged have been actually performed or delivered for the city; that the sums charged [therefor] therefore are reasonable and just and that, to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim, and every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court to any action, or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified, as aforesaid, to the council for allowance; or that the claim was presented without the affidavit aforesaid, and rejected for that reason; or that the action or proceeding, was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER VIII.

POWERS OF THE CORPORATION.

- General powers.** The city council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests and all property, real and personal property, belonging to the city and make such orders and by-laws relating to the same, as they shall deem proper and necessary; and they shall have the power, within said city, to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable for the following purposes:
- Vice and immorality.** *First,* To prevent vice and immorality; to preserve peace and good order; to regulate the police of the city; to prevent and quell riots, disturbances and disorderly assemblages;
- Disorderly houses, etc.** *Second,* To restrain and prevent disorderly [and] gaming houses, and houses of ill-fame; to cause to be destroyed all instruments and devices used for gaming and to prohibit all gaming and fraudulent devices, and regulate or restrain the use of billiard tables and bowling alleys;
- Liquors.** *Third,* To forbid and prevent the vending, or other disposition of liquors and intoxicating drinks, in violation of the laws of the State and to forbid the selling or giving to be drank any intoxicating liquors, to any child, or young person, without the consent of his or her parents, or guardian; and to prohibit, restrain, and regulate the sale of all goods, wares and personal property, at auction, except in cases of sale authorized by law, and to fix the fees to be paid by and to the auctioneers;
- Sports, exhibitions, etc.** *Fourth,* To prohibit, restrain, license and regulate all sports, exhibitions of all natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money;
- Nuisances.** *Fifth,* To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler

shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same, from time to time, as often as they may deem necessary, for the health, comfort and convenience of the inhabitants of the city;

Sixth, To direct the location of all slaughter-houses, markets and buildings, for storing gunpowder or other combustible materials and to regulate the manner of keeping the same; Slaughter houses, etc.

Seventh, To regulate, restrain or prohibit the buying, selling, carrying and using of fire-arms, weapons, gunpowder, fire-crackers or fire-works, manufactured or prepared therefrom, or from other combustible material; and the exhibition of fire-works and the discharge of fire-arms; and the use of lights in barns, stables and other buildings; and to restrain and prohibit the making of bonfires in streets, yards, alleys, and other public places; Dangerous materials, etc.

Eighth, To prevent the encumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever; Encumbering streets, etc.

Ninth, To prevent and punish horse-racing and immoderate riding or driving, in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate riding or driving in any street; Fast driving.

Tenth, To determine and designate the routes and grades of any railroad, to be laid in said city, and to regulate the use of locomotives, engines and cars upon the railroads within the city, and to compel such railroads to erect and maintain safety gates at street crossings; Routes, etc., of railroads.

Eleventh, To regulate, restrain or prohibit bathing in any public water and to provide for cleaning the water within and bordering upon the city of drift-wood and other obstructions; Bathing.

Twelfth, To restrain and punish drunkards, vagrants, mendicants, street beggars and persons soliciting alms or subscriptions, for any purpose whatever; Vagrants.

Thirteenth, To establish one or more pounds and to restrain, regulate or prohibit the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same, for the penalty incurred and the cost of their keeping and impounding; Pounds.

Fourteenth, To regulate or prevent the running at large of dogs, to impose taxes on the owners of dogs and to prevent and punish dog fights, in the streets and elsewhere, in said city; Dogs.

Fifteenth, To prohibit any person from bringing and depositing, within the limits of said city, any dead carcass or other unwholesome or offensive substance and to require the removal or destruction thereof, and if any person shall have on his premises such substance or any putrid meats, fish, hides or skins of any kind, and on his default to authorize the removal and destruction thereof by some officer of the city; Dead carcasses, etc.

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them, clean from snow, ice dirt, wood and all other obstructions; Cleaning of walks.

- Crying of goods, etc.** *Seventeenth*, To regulate or prohibit the ringing of bells, blowing of steam whistles and the crying of goods, and other commodities for sale at auction, or otherwise, and to prevent disturbing noises in the streets and elsewhere in said city;
- Burial of dead.** *Eighteenth*, To regulate the burial of the dead, and to compel the keeping and return of bills of mortality;
- Markets.** *Nineteenth*, To establish, order and regulate the markets, to prohibit the forestalling the same, to regulate the vending of wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid, by butchers and others for license: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way, the sale of fresh and wholesome meats, by the quarter, within the limits of the city;
- Public fountains, etc.** *Twentieth*, To establish, regulate and preserve public reservoirs, fountains, wells and pumps and to prevent the waste of water;
- Regulation of sextons, etc.** *Twenty-first*, To adopt rules, for the regulation of sextons and undertakers, in burying the dead; to license and regulate solicitors for passengers, or for baggage, for the benefit of any hotel, tavern, public house, boat or railroad; also to license and regulate draymen, carmen, truckmen, porters, runners, drivers of cabs, coupés, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used or employed for hire and to fix and regulate the amounts and rates of their compensation;
- Draymen.** *Twenty-second*, To regulate or prohibit runners, public porters, and all drivers of public conveyances, for persons, from soliciting passengers or others to travel or ride in any public conveyance boat, or upon any railroad, or to go to any hotel or elsewhere, and to license and regulate scavengers and chimney sweeps;
- Fix charges.** *Twenty-third*, Concerning the lighting of streets, alleys and public places and the protection and the safety of public lamps and lights;
- Lighting of streets.** *Twenty-fourth*, To license and regulate auctioneers, hawkers, peddlers [and] pawnbrokers and to regulate auctions, hawking, peddling and pawnbrokerage, also the peddling and hawking of fruit, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever by hand, hand cart, show-case, show stands or otherwise in the public streets and other public places; also to license and regulate or suppress hucksters;
- Auctioneers, etc.** *Twenty-fifth*, To prescribe the duties of all officers, appointed by the common council and their compensation, and the penalty or penalties for failing to perform such duties and prescribe the bonds and sureties, to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;
- Duties of officers.** *Twenty-sixth*, To preserve the salubrity of the waters of Little Bay De Noc, Green bay, bodies of water within the limits of said city; to fill up all low ground or lots covered or
- Purity of water.**

partially covered with water, or to drain the same, as they may deem expedient, and to assess upon and collect from the lots or grounds so [drained or] filled, the entire expense thereof;

Twenty-seventh, To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges and the stand or stands for wood, hay and produce exposed for sale in said city; Carriage stands.

Twenty-eighth, To prescribe the line on which docks shall be built in Little Bay De Noc and Green bay, and beyond which they shall not extend, and to enforce the same by a fine, not exceeding five hundred dollars, and to regulate such docks, and to compel the owners or occupants thereof to keep the same in repair; Dock lines.

Twenty-ninth, To appoint so many harbor-masters as they may deem necessary and to prescribe [their] the powers, duties and compensations; Harbor-master.

Thirtieth, Appoint sealers of weights and measures and to prescribe their duties and the penalty for using false weights and measures, and all laws of this State in relation to the sealers of weights and measures shall apply to said city, except as therein otherwise provided; Weights and measures.

Thirty-first, To authorize the mayor to grant, issue and revoke licenses, in all cases when licenses may be granted under this act and the ordinances of the common council; Licenses.

Thirty-second, To prescribe the sum of money to be paid into the treasury of the city, for every license which may be granted under this act, and the ordinances of said city; also the time for which the licenses shall be granted; to require all licenses to be countersigned by the clerk; to require any or all persons, applying for license, before the issuing thereof, to execute a bond to the city, in such sum as the common council may direct, with one or more sufficient sureties, conditioned for the faithful observance of the charter, and ordinances of the city and otherwise conditioned as the common council may prescribe; Sum to be paid for, etc.

Thirty-third, To establish and maintain a public library and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within said city by private munificence as the common council may deem to be for the public good; Public library.

Thirty-fourth, To require all persons before constructing, altering or enlarging any building, or other structure, within the limits of said city, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued; Building permits.

Thirty-fifth, To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property, whatsoever, and to punish all persons maintaining, directing or managing the same; Lotteries.

Thirty-sixth, To regulate the putting up, taking down, repairing and maintaining of telegraph, telephone and electric light poles and wires. Telegraph poles, etc.

Ordinances, etc. SEC. 2. And further: The council shall have authority to enact all ordinances and to make all such regulations, consistent with the laws and constitution of this State, as they may deem necessary, for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits, shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

Term of licenses. SEC. 3. No license shall be granted for any term, beyond the first Monday in May, thereafter, nor shall any license be transferable; and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or engage in the doing of anything for, or in respect to, which any license shall be required, by any ordinance or resolution of the council.

Licenses revocable. Every license shall be revocable at the pleasure of the mayor, and when any license shall be revoked, for non-compliance with the terms and conditions upon which it was granted, or on account of the violation of any ordinance or regulation passed, or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. All sums received for licenses granted, for any purpose, by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

To be paid into city treasury.

Additional power of council. SEC. 4. The council shall have authority to permit any railroad company to lay its tracks and operate its road, with steam locomotives, in or across the public streets, highways or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations to be observed by the company, as the council may prescribe; and to prohibit the laying of such tracks or the opening of any such road, except upon such terms and conditions.

Idem. SEC. 5. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, to conform to street grade which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat as may be deemed expedient; also to require and compel railroad companies to place flagmen or switchmen at all railroad crossings of streets, to give warning of the approach and passage of trains thereat, and to require such crossings to be lighted during the night time; to regulate and prescribe the speed of all railroad trains within the city, but such speed shall not be required to be less than four miles per hour, and to impose a fine of not less than one hundred dollars upon the railroad company, or upon the engineer or conductor violating any ordinance regulating the speed of trains.

Idem. SEC. 6. The council shall have power to regulate and compel any railroad company, or any street railroad company to make, keep open and in repair such ditches, drains, sewers and

culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct, and so that the natural drainage of adjacent property shall not be impeded. If any railroad company shall neglect to perform any such requirement according to the [directions] discretions of the council, the council may cause the work to be done at the expense of the railroad company, and the amount of such expenses may be collected at the suit of the city against the company in a civil action before any court having jurisdiction of the cause.

SEC. 7. The council is authorized to enact all such ordi- ^{Idem.} nances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in said city, and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and it may provide for the recording of such assignments and divisions when made, and it may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences, and the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

SEC. 8. The council may make such provisions as they may deem expedient for the support and relief of poor persons ^{Support of poor.} residing in the city and for that purpose it may provide by ordinance for the election or appointment of a director of the poor, and it may prescribe his duties and invest him with such authority as may be proper for the due exercise of the duties of his office.

CHAPTER IX.

ORDINANCES.

SECTION 1. The style of all ordinances shall be "The city ^{Style of.} of Escanaba ordains." All ordinances shall require for their passage the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time when the ordinance imposes a penalty, shall not be less than twenty days from the day of its passage.

SEC. 2. When, by the provisions of this act, the council of the city is given authority to pass ordinances for any purpose, ^{May prescribe fines, etc.} they may prescribe fines, penalties and forfeitures, not exceeding five hundred dollars, or imprisonment not exceeding six months, or both, in the discretion of the court, together with costs of prosecution for each violation of said ordinances, and they may provide that the offender, on failing to pay any such ^{Failure to pay, etc.} fine, penalty or forfeiture, and the costs of prosecution, may

be imprisoned for any term not exceeding six months, unless payment thereof [be] sooner be made; and they may direct such imprisonment to be in the city prison or in the county jail [of the county] within the city located, or in such other prison or place of confinement in the State as the council may prescribe, and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprisonment for the violation of any ordinance shall be prescribed therein.

Mayor to
approve, etc.

SEC. 3. On the same day, or the next day after the passage of any ordinance, the clerk of the council shall present the same to the mayor or other person performing the duties of mayor for his approval. No ordinance shall be of any force without the written approval of the mayor, or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed to be regularly enacted, and the time of its re-enaction shall be deemed to be the time of its passage.

Clerk to certify.

SEC. 4. At the time of presenting any ordinance to the mayor, for his approval, the clerk of the council, shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented and shall also certify thereon, and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall, at the next meeting of the council, report any ordinance returned with objections thereto.

To be re-
enacted.

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended, the whole section as amended, shall be re-enacted.

Clerk to record.

SEC. 6. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called the "record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Ordinances to
be published.

SEC. 7. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall, immediately after such publication, enter upon the record of ordinances, in a blank space to be left for such purpose, under the recorded ordinance, a certificate stating in what newspaper and of what date, such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence, that the legal publication of such ordinance has been made.

Courts to take
judicial notice
of, etc.

SEC. 8. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising

under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations, or ordinances of the city or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings:

First, From a record thereof kept by the clerk;

Second, From a copy thereof, or of such record thereof, certified by the clerk, under the seal of the city;

Third, From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER X.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecutions for the violation of the ordinances of the city, shall be commenced within two years after the commission of the offense, and shall be brought within the city. Must be begun within two years.

SEC. 2. Whenever a pecuniary penalty, or forfeiture, shall be incurred for the violation of any ordinance, and no provisions shall be made for the imprisonment of the offender, upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt or in assumpsit, and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover assumpsit, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture, for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid, or any other appropriate action. Penalty, how recovered.

SEC. 3. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the case shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant execution shall issue forthwith, and except when against a corporation shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action. Action to be in name of city. Proceedings.

SEC. 4. Prosecutions for violations of the ordinances of the city may also in all cases, except against corporations, be commenced by warrant for the arrest of the offender. May be by warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal Warrant to be in name of people.

cases cognizable by justices of the peace and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon trial of the cause, and in procuring of the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof shall, except as otherwise provided by this act, be governed by and conform, as nearly as may be, to the provisions of law regulating proceedings in criminal cases cognizable by justices of the peace.

Judgment on,
etc.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated as the nature of the case may require, together with such costs of prosecution as are allowed by law.

Execution of,
etc.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant, until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned, shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or when imprisonment alone is imposed, a warrant of commitment shall issue accordingly; in the former case until the expiration of the sentence, unless the fine and costs be sooner paid and in the latter for the term named in the sentence.

Use of county
jail, etc.

SEC. 8. The city shall be allowed the use of the jail of the county in which it is located for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail, or in the city prison, or other place of confinement provided by the city or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process, how
directed, etc.

SEC. 9. All processes issued in any prosecution or proceeding, for the violation of any ordinance of the city, shall be directed to the city marshal or to any constable of the city or county and may be executed in any part of the State by said officers, or any other officer authorized by law to serve process issued by justices of the peace.

Cause of action,
how set forth.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance, or any provisions thereof in

any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to the time and place, the act [or] of offense complained of and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause, shall take judicial notice of the enactment, existence and provisions of the ordinances of the city and the resolutions of the council, and of the authority of the city to enact the same.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury, such jury, except whenever other provision is made, shall consist of six persons, and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil cases triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party or interested on account, merely, of such interest as he may have in common with the inhabitants of the city, in the result of the suit. Trial by jury.

SEC. 12. Any person convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceeding into the circuit court for the county, in which the city is located, by appeal or writ of *certiorari*, and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause, in the circuit court, shall be the same as on appeal and *certiorari*. In criminal cases cognizable by justices of the peace, and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment or remove the proceedings by *certiorari* into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or surety shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed, or removed by *certiorari*, shall also take judicial notice of the ordinances of the city, and the resolutions of the council and of the provisions thereof. May be taken into circuit court.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate, before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or Fines, to whom may be paid.

prison, who shall, within ten days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as, by the constitution are appropriated for library purposes, on or before the third Tuesday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Neglect to
pay over.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city, and to prosecute the same to effect. Any person receiving such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and punished accordingly.

How disposed of.

SEC. 15. Fines paid into the city treasury for violations of the ordinances of the city, shall be disposed of as the council may direct, the expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as may be paid by costs collected, shall be defrayed by the city.

Circuit court
to have juris-
diction.

SEC. 16. The circuit court of the county in which the city is located, shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city, for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or when the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State. The laws regulating prosecuting in criminal cases, and to recover penalties, shall apply.

Justices to have
concurrent
jurisdiction.

SEC. 17. The justices of the peace of the city, shall have concurrent jurisdiction in all cases mentioned in the preceding section, but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance, for the violation thereof; nor shall they sentence to imprisonment for any longer period than ninety days.

Security may
be required.

SEC. 18. In all prosecutions for violations of ordinances of the city, commenced by any person other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings in case the defendant is acquitted.

CHAPTER XI.

POLICE.

May provide
police, etc.

SECTION 1. The council may provide by ordinance for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of police-

men and nightwatchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the [inhabitants] inhabitation; and they may authorize the mayor to appoint special policemen, from time to time, when in his judgment the emergency or necessity may so require, and may provide for and appoint subordinate officers, for the police and nightwatchmen.

SEC. 2. The council may make and establish rules for the regulation and government of the powers and duties of the police, prescribing the powers and duties of policemen and nightwatchmen, and they shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city; preserve the inhabitants from personal violence and protect public and private property from destruction by fire, and from unlawful depredation. The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as, in his judgment, the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

May make rules, etc.

SEC. 3. The city marshal, subject to the direction of the mayor shall, as chief of police, have the superintendence and direction of the policemen and nightwatchmen, subject to such regulations as may be prescribed by the council.

Marshal to be chief of.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force, under the direction of the mayor and chief of the police and in conformity with the ordinances of the city to suppress all riots, disturbances, and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State, or the ordinances of the city, and to take the offender forthwith, before the proper court or magistrate, to be dealt with for the offense; to make complaint to the proper officers and magistrates or any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the State; and at all times, diligently and faithfully, to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all processes directed or delivered to them for service, and for such purposes, the chief of police, and every policeman and nightwatchman, shall have all the powers of constables, and may arrest upon view, and without process, any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police, and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also within the limits of the city, any other process which by law a constable may serve.

Duty of police, etc.

SEC. 5. When employed in the service of process policemen Fees.

shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty, they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman, since his last preceding report, and the names of the persons from whom received, and the amount received from each. Policemen shall also report in writing to the city marshal, at the end of each month, all arrests made by them during the preceding month and the dispositions made in each case.

Mayor may
suspend.

SEC. 6. The mayor may suspend any policeman or night-watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from any office any policeman appointed thereto at any time under such regulations as the council may prescribe.

CHAPTER XII.

CITY PRISON.

Council may
provide.

SECTION 1. The council shall have power to provide and maintain a city prison and such watch or station houses as may be necessary and they may provide for the confinement therein of all persons liable to imprisonment under the ordinances of the city, and for the employment of those imprisoned therein.

May be kept at
hard labor.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein, on execution or commitment for the non-payment of fines, for violations of the city ordinances, may be kept at hard labor during the term, or imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XIII.

PUBLIC HEALTH.

Council may
enact laws for
preservation of.

SECTION 1. The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent the introduction of malignant, infectious or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Nuisances.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance or cause of disease, may be found, to

- remove or abate the same, upon such notice and within such time and in such manner, as the council may by ordinances or resolution direct.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises in the city shall be damp, unwholesome, offensive or filthy, Cellars, vaults, etc. or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty; and may require the owner or occupant of any building, fence or structure which may be ruinous or liable to fall and injure persons or property, to pull down or remove the same, or the council may cause the same to be done by the proper officers of the city.

SEC. 4. If any person, corporation or company shall neglect or refuse to remove any nuisance, or to perform any requirement to be made by or in accordance with any resolution of the council, or by the board of health of the city for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisances, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company, and in all cases where the city shall incur any expense for draining, filling, cleaning or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon such lot or premises, the council may, in addition to other remedies, provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper upon the lot or premises upon, or on account of, which such expense was incurred, or from which nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment. Neglect to abate nuisances, etc.

SEC. 5. The council, when they shall deem it necessary may, from time to time assign, by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and they may forbid the exercise thereof in places not so assigned, and they may change or revoke such assignment at pleasure; and whenever a business, carried on at any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment in such place. Offensive trades.

SEC. 6. The council may purchase the necessary lands and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the officers, attendants or employes for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health may seem proper; and by direction of the council or Hospitals, etc.

board of health persons having any malignant, infectious or contagious disease may be removed to said hospital, and there detained and treated when the public safety may so require; and the council shall provide such restraints and punishments as may be necessary to prevent any [such] person from departing from such hospital until duly discharged.

Council to have powers of boards of health.

SEC. 7. The council shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six, of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Health officers, etc.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act, and the council may prescribe penalties for the violation of any lawful order, rules or regulations made by the board of health or any officers thereof.

CHAPTER XIV.

CEMETERIES.

May have cemeteries.

SECTION 1. The city may acquire, hold and own such cemeteries or public burial place, or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants, and may prohibit the interment [of the dead] within the city, or may limit such interments therein to such cemetery, or burial place as the council may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Raise money, etc.

SEC. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary to purchase cemetery grounds, and for the improvement, protection and care thereof.

Trustees of.

SEC. 3. Whenever the city shall own, purchase, or otherwise acquire any cemetery grounds, the council shall appoint three trustees, who shall be freeholders and electors within the city, and who, with the city clerk, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their offices for the term of three years, except that the first appointment, one shall be appointed for one year, and one for two years, and one for three years from the third Tuesday in

Terms of.

April of each year when appointed, and annually thereafter one trustee shall be appointed; the council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause; said board shall serve without compensation.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. The common council may by ordinance invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe.

Chairman and clerk of.

Powers, etc.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place, or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered, and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city [by the city] clerk, and be recorded in his office at the expense of the purchasers.

Have care of cemetery.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery, expend the money provided for the care and improvement of the grounds, and enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the State.

Superintendent of, etc.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose except the purpose of such cemetery, and the board of trustees shall report to the council annually, on the third Tuesday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items and purpose, expenditures and liabilities incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Cemetery fund.

SEC. 8. The council, if the city [owns] own a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control and regulate such cemetery

Necessary ordinances.

or burial place and the improvements thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations, made by the board of cemetery trustees.

Idem.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city belonging to, or under the control of any church, religious society, [corporation,] company, or association, and for the protection and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

CHAPTER XV.

POUNDS.

Pounds and pound-masters, etc.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties and fix their compensation, and may authorize the impounding of all beasts, geese and other fowls found in the streets or otherwise at large, contrary to any ordinance of the city; and if there shall be no pound-master they may provide for the impounding of such beasts, geese and fowls by the marshal, in some suitable place, under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

Fees, expense of keeping, etc.

SEC. 2. The council may also prescribe the fees for impounding and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese and fowls impounded for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beasts or things impounded.

CHAPTER XVI.

HARBORS, WHARVES, AND HARBOR-MASTERS.

Council to have control of docks etc.

SECTION 1. The council shall have power to establish, construct, maintain and control public wharves, docks, piers, landing places, and levees, basins and canals upon any lands or property belonging to or under the control of the city, and for that purpose the city shall have the use and control of the shore or bank of any lake, bay, or river within the city, not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharf and landing privileges, upon any of the public wharves, docks or landings, but not for a longer time than five years and in such manner as to preserve the rights of all persons to a free passage over the same, with their baggage.

To prescribe line of,

SEC. 2. The council shall have the authority, also, to require and cause all docks, wharves, and landings whether upon public grounds, or upon the property of private individuals, to

be constructed and maintained in conformity with such grade as may be established therefor, by the council, and prescribe the line beyond which any such wharf, dock or landing shall not be constructed or maintained.

SEC. 3. The council shall have authority to provide, by ordinance, for the preservation of the purity of the waters of any harbor, river or other waters within the city and within one mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein any filth, logs, floating matter or any injurious thing; to control and regulate the anchorage, moorage, and management of all boats, water-craft, and floats within the jurisdiction of the city; to prescribe the mode and speed of entering and leaving the harbor, and of coming to and departing from the docks, wharves and landing places by boats, water-crafts and floats, and to regulate and prescribe by such ordinance, or through a harbor-master, or other officer, the location of any boat, craft, vessel or float, and such changes or station in, and use of the harbor, as may be required to promote good order therein, and the safety and convenience of all such boats, crafts, vessels and floats, and generally to enact and enforce such ordinances, and regulations not inconsistent with the laws of the United States, and of this State as in the opinion of the council, shall be most [conducive] conducive to the orderly, safe, and convenient use and occupancy of the harbor, and navigable waters, wharves, docks, piers and landing places, within the city.

Purity of water
may be pre-
served.

SEC. 4. The council may also license and regulate the use of tugs and prescribe the rates and charges of towage within the harbor, or other waters of the city, and regulate the opening and passage of bridges.

License tugs,
etc.

SEC. 5. The council may also appoint a harbor-master, wharf-master, port-wardens, and such other officers, as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe, in respect to and over [the] navigable waters, harbors, wharves, docks, landings and basins within the city, and in respect to the navigation, trade and commerce of the city, and prescribe the powers and duties of such harbor-masters and other officers, and to fix the compensation to be paid to them.

Harbor-master,
etc.

CHAPTER XVII.

FERRIES.

SECTION 1. The council may regulate and license ferries from the city, or any place, or landing therein to the opposite shore, or from one part of the city to another, and may require the payment of such reasonable sum for such license, as the council may deem proper, and may impose such reasonable terms and restrictions, in relation to the keeping and management of such ferries, and the time, manner and rate of carriage and transportation of persons and property, as may

License ferries.

be proper, and provide for the revocation of any such license, and for the punishment, by proper fines and penalties of the violation, of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

CHAPTER XVIII.

MARKETS.

Power to erect
market houses,
etc.

SECTION 1. The council shall have the power to erect market houses, establish and regulate markets, and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants, to prescribe the times for opening and closing the same, the kind and description of articles which may be sold, and the stands and places to be occupied by the vendors.

Rules, etc., for.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets, and may authorize the immediate seizure, arrest and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or provisions exposed for sale therein, or elsewhere in the city.

CHAPTER XIX.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

May own public
buildings, etc.

SECTION 1. The city may acquire, purchase and erect all such buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary and convenient for the public good and execution of the powers conferred in this act; and such buildings [and] grounds or any part thereof, may be sold, leased, mortgaged and disposed of as occasion may require.

When may own
outside of cor-
porate limits,
etc.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest houses, cemeteries, water-works and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city, and in such cases the council shall have authority to enforce, beyond the limits, and other such lands, buildings and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses or hospitals.

Authority over
parks, etc.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue, public

grounds and parks, within the city, and to improve, light and ornament the same and to regulate the care thereof and to protect the same, and the appurtenances thereof, from obstructions, encroachments and injury, and from all nuisances.

CHAPTER XX.

SEWERS, DRAINS AND WATER COURSES.

SECTION 1. The council may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and material, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases whenever the council shall deem it practicable, such sewers and drains shall be constructed in the public street and grounds.

Council to have control of, etc.

SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may by ordinance prescribe their powers, compensation, term of office and duties.

Sewer commissioners.

SEC. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to devise, or cause a plan of drainage to be devised for the whole city, or for such part thereof as they shall determine.

Plan of drainage.

SEC. 4. Such plan shall be formed with a view of the division of the city into main sewer districts to be so numbered and arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.

Division into districts.

SEC. 5. The main sewer districts may be divided into sub-sewer districts in such manner that each special district shall include one or more lateral or branch sewers, connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more branch sewers and such lands as, in the opinion of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Sub-districts, etc.

SEC. 6. The cost and expense of establishing, making and repairing all sewers, shall be paid out of the fund set aside for that purpose to be called the "sewer fund."

Cost of, etc.

SEC. 7. Such cost and expense shall be a charge upon the property benefited, and upon the city at large; property lying contiguous to sewer mains and benefited thereby, shall be specially assessed for the entire expense of providing sewerage therefore, in proportion to the length or width of lots, paralleled by the [sewer] mains upon the basis of the cost of mains

Charge upon property.

Lien upon
property.

eight inches in diameter. The city council shall declare by resolution, when any sewerage shall have been constructed, what property, describing the same by lots and blocks, shall have been benefited thereby, and the amount of such benefit on the basis herein mentioned, and thereupon such amounts shall become [a] lien upon the property and shall be specially assessed against the same in the manner provided herein, for the making of special assessments. The sewerage already constructed in the city of Escanaba shall be a charge upon the property benefited thereby, and the council shall by resolution declare what property has been so benefited and to what amounts, and thereupon such amounts shall become liens upon said property and shall be specially assessed against the same. All cost and expense of sewerage, not herein made a charge upon property benefited, shall be a general city charge and shall be levied and collected in the same manner as the other city taxes.

Diagram of
sewer district,
estimates, etc.

SEC. 8. Before proceeding to the construction of any sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, land, lots and subdivisions thereof in the district and the proposed route and location of the sewers, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof, and they shall give notice by publication for at least two weeks in one of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found, for examination, and of the time when the council will meet and consider any suggestion and objections that may be made by parties interested with respect to such sewer.

When council
shall determine
to construct,
etc.

SEC. 9. When the council shall determine to construct any such sewer, they shall so declare by resolution, designating the district, prescribing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and they shall cause such plat and diagram, as adopted, to be recorded in the office of the city clerk, in the book of sewer records.

When council
may require
private drains,
etc.

SEC. 10. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises, to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises and to keep such private drains in repair and free from obstructions, and if such private drains are not constructed and maintained according to such requirements the council may cause the work to be done, at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Private drains
may connect
with sewer.

SEC. 11. The owner or occupant of lots and premises shall have the right to connect the same, at their own expense, by means of private drains with the public sewers and drains, under such rules and regulations as the council shall prescribe.

SEC. 12. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to the drainage of the city. Ordinances for protection of.

CHAPTER XXI.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have control and supervision of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds, within the city and shall cause the same to be kept in repair and free from nuisance. Council to have control of.

SEC. 2. But the city shall not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use, by the proprietors of any lands, which had not been actually accepted, worked and used by the public, as a street or alley, before the incorporation of the city of Escanaba under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor, after incorporation under this act, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose. When city not responsible, etc.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if, in so doing, it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use and the expense thereof shall be paid out of the general street fund. Power to lay out, open, close, etc.

SEC. 4. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter, when they shall meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the [city] clerk, in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect. How vacated, etc.

SEC. 5. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the city clerk, in a book of street records, and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner, and such record shall be *prima* Survey of.

facie evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance [discontinuing] or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the records shall be *prima facie* evidence of all the matters therein set forth.

Grades, etc.

SEC. 6. The council shall have authority to determine and establish the grades of all streets, alleys, avenues, [alleys] and public grounds within the city, and to require improvements and buildings, adjacent to or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley or public ground, or any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record or diagram thereof shall be made in the book of street records in the office of the city clerk.

Power to grade, pave, etc.

SEC. 7. The council shall have the power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing.

How expenses of paid, etc.

SEC. 8. The city council shall have power to assess and levy, by a tax, the expenses of making, grading, paving, opening and widening streets, highways, avenues, lanes and alleys and of putting in gutters, curbing and culverts; also for the necessary expense of constructing marginal walls, or other needed supports for such paving, gutters or curbing; of grading, paving, planking or renewing sidewalks; of draining low lands, or making drains and sewers, and other local improvements, upon the lots, premises and subdivisions thereof, which are in front of or adjoining such streets, sidewalks, drains, sewers and other improvements, or upon lots and premises which, in the opinion of the city council, are most benefited thereby; and the city council shall have full power in and about assessing, levying and collecting such taxes in the manner provided for the making of special assessments under the provisions of chapter twenty-five of this charter: *Provided*, That the council, in providing for the expense of such making, grading, paving, opening and widening of streets, highways, avenues, lanes and alleys, and of grading, paving, planking, repairing and renewing sidewalks, of putting in culverts, gutters and curbing, of draining low lands, and of making drains and sewers, and other local improvements, shall include the necessary sidewalks, crossings, curbing and ballasting and shall apportion such expense upon a local assessment district, to be constituted upon the lots or premises, fronting upon that part of the street, highway, avenue, lane or alley proposed to be improved, or constituted of lots and premises fronting upon such improvements and such other lands as, in the opinion of the city council, may be benefited by the improvement. When such assessment is to be made upon lots and premises in proportion

Proviso.

to their frontage upon such improvement, if from the size or shape of any such lot or premises, an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the city council may assess such lots, for such number of feet frontage as in their opinion will be just; and said council shall direct a just proportion of such assessment for improvements upon all crossings and crosswalks to be paid from the general street fund: *Provided, further,* Further proviso. That no such assessment for pavement or improvement, of any street, highway, avenue, lane, alley or sidewalk, shall be made or collected, other than by general tax, unless upon application, in writing, for such pavement or improvement, signed by a majority of all the resident owners or occupants of real estate, which may be subject to assessment for such pavement or improvement.

CHAPTER XXII.

STREET REGULATIONS.

SECTION 1. The council shall have power to prohibit and prevent obstructions, incumbrances and encroachments upon the public highways, streets and alleys of the city and to remove the same and to punish those who shall obstruct, incumber, encroach or maintain any encroachments upon or in any such highway, street or alley, and to require all such persons to remove every such obstruction, incumbrance [and] or encroachment. Obstruction or encroachment of streets, etc.

SEC. 2. The council may provide for and regulate the planting of shade and ornamental trees in the public ways, streets and avenues of the city, and for the protection thereof, and they may light the streets and public places and regulate the setting of lamps, and lamp posts therein, and protect the same. Shade trees, etc.

SEC. 3. The council may regulate the making of all openings in and removal of the soil of the public streets, for [the] laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose, and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe. Openings in streets, etc.

SEC. 4. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right to travel and passage therein; they shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons, or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning posts and telegraph poles, in or over the streets; to prohibit immoderate riding and driving in the streets, or over bridges; Regulate use of highways, etc.

to regulate or prohibit all such sports, amusements, proceedings and gatherings of crowds in the streets, as may interfere with the lawful use thereof, or render travel or passage therein, inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese and other domestic animals or fowls, in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them and, generally, to prescribe and enforce all such police regulations, over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property, in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and power over and in respect to the public streets of the city, as are conferred by law upon highway commissioners in townships.

Poll-tax.

SEC. 5. The council shall have power to levy and cause to be collected, in each year, a poll or capitation tax upon every male inhabitant of the city between the ages of twenty-one and fifty years, excepting active members of the fire department and such other persons as are exempted from the payment of such tax by the general law; and the council shall, by ordinances, prescribe time and manner of assessing and collecting said tax and the penalty for neglect or refusal to comply with the provisions of such ordinance. All taxes or moneys collected and fines received by the city pursuant to this section, shall be used exclusively for working and improving the highways, streets, lanes and alleys of the city.

CHAPTER XXIII.

SIDEWALKS.

Council to have control of.

SECTION 1. The council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and cross-walks in the public streets and alleys and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

May require construction of, etc.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets, adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades [and] of such width, materials and manner of construction, and within such time as the council shall by ordinance or resolution prescribe.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises, to remove all snow and ice from the sidewalks in front of, or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances. Snow and other obstructions.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby, shall be levied as a special assessment upon the lot or premises adjacent to or abutting upon such sidewalk. When council may remove, etc.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things, upon or over sidewalks, and to regulate or prohibit the construction and use of openings in sidewalks, and of all vaults, structures and excavations under the same, and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk. Signs, awnings, etc.

SEC. 6. It is hereby made the duty of the city, to keep in good repair all sidewalks in the public streets and alleys of the city, and which shall be deemed highways, and the city shall be liable for all damages resulting to any person, being lawfully thereon, which shall be caused by any obstruction or incumbrance of any kind whatever being over or upon such sidewalk, or by reason of any opening, hole, break or defect in such walk, to the same extent that townships, cities and villages are now liable under the general laws of the State, for similar obstructions, openings, holes, breaks or defects, upon public highways or streets, bridges, cross-walks and culverts; such damages may be recovered in any action of trespass on the case before any court of competent jurisdiction. City liable for damages, etc.

SEC. 7. If any owner, occupant or person in charge of any lot or premises, shall neglect to repair any sidewalk, in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city, for any accident or injury occurring by reason of such neglect. When owner liable.

CHAPTER XXIV.

SPECIAL ASSESSMENTS.

When special
assessment
may be levied.

SECTION 1. When any expense shall have been incurred by the city, upon or in respect to any lot, or parcel of land, for the construction or repair of sidewalks, abutting or adjoining such lots or premises, or for the removal of obstructions or abatement of nuisances upon such sidewalk, lot or parcel of land, or for making, grading, opening or widening or paving streets, highways, avenues, lanes or alleys, or for putting in gutters, curbing or culverts, or for constructing marginal walls, or other needed supports, for such paving, gutters or curbing, or for the putting in of sewers to connect with sewer mains which, by the provision of this act, the council is authorized to charge and collect as a special assessment against such lot or parcel of land, an account of the labor and services and materials for which such expenses were incurred, verified by the oath of the officer or person performing the services, or in charge of the work, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported by said officer, and filed with the city clerk, within twenty-four hours after such labor and service shall have been performed, or such expense incurred.

Clerk to make
report to coun-
cil, etc.

SEC. 2. Upon receiving the report mentioned in the preceding section the city clerk shall, at the next succeeding meeting of the council, report the same to that body, and said clerk shall also make a special assessment roll which shall contain the names of the owners of said lots or parcels of land, a description of said lots or parcels, the amount of such incurred expenses, and the purpose for which the same shall have been incurred, as well as the date when such labor or services shall have been performed, or such materials furnished.

Notice of to
be served on
owner.

SEC. 3. The council shall, when such special assessment shall have been reported by the city clerk, immediately cause notice in writing to be served upon the owner of said lot or premises, if such owner shall be known and residing within the county of Delta, of said special assessment, and its purpose, and that said assessment will be reviewed by the city council at the next succeeding meeting of that body. Such [notice] notices shall be served upon such owner at least ten days before the time fixed for review, and the same shall be served personally or by leaving the same at the place of residence of such owner, between the hours of nine in the forenoon and seven in the evening, with some person of suitable age who shall be informed of the substance of its contents.

In case owner
cannot be
found, etc.

SEC. 4. If such owner shall not be a resident of Delta county, or cannot be found therein, or if such owner shall be a corporation, then [such] notice may be served on the agent of such owner personally, or by leaving the same at his place of

residence, as prescribed in the last preceding section. In all cases, however, notice of such special assessment, and of the time and place of the review of the same by the city council, shall be published in some newspaper published in the city of Escanaba, for at least two weeks before such review shall be had. Notice of review to be published.

SEC. 5. Proof of the service of such notice shall be made by affidavit of the person serving the same, and by affidavit of the publisher or manager of the paper, in which the same shall have been published, and such proof shall be required in all cases by the city council, before any special assessment shall be confirmed. Proof of service.

SEC. 6. At meetings of the city council, at which special assessments shall be reviewed, the owner or owners of all lots or parcels of land in said city, which may be affected by such special assessment, his or their agents or attorneys, shall be entitled to be heard and may show cause why such special assessments should not be confirmed in whole or in part, and thereupon the council shall confirm said assessment, in whole or in part, or they may set aside the same as the right may to them appear, and upon confirmation of any special assessment, the city clerk shall indorse upon the assessment roll a certificate under his signature, of such confirmation. Owners, etc., may be heard, etc.

SEC. 7. When any special assessment shall be confirmed by the council it shall be final and conclusive, but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect. Final, when confirmed.

SEC. 8. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons assessed until paid. Lien upon property.

SEC. 9. Whenever any special assessment shall be confirmed and be payable, the city clerk shall file with the city assessor a true copy of the special assessment roll, containing such assessments with the certificate of confirmation, indorsed thereon, and having annexed thereto a warrant under the hand of said clerk requiring said assessor to levy the sums so assessed as a tax upon the several lots and premises to which they were assessed, respectively. Upon receiving said copy of said roll the assessor shall levy the several sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax roll next thereafter to be made in a column for special assessments, and thereupon the amount so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid and the same shall be paid in to the city treasurer. Clerk to file copy with assessor.

SEC. 10. In case any special assessment shall, in any year, remain unpaid, the city treasurer shall, at the time prescribed by law for making returns to the county treasurer, file with the city clerk a statement of such unpaid special assessments, with When unpaid.

a description of the lot or parcel of land upon which they have been assessed, and the names of the owners or persons charged therewith, and thereupon the said city clerk shall file the same with the original special assessment roll, in his office, and unless said assessment shall, in the meantime, have been paid, the said clerk shall, in the following year, certify the same to the city assessor, who shall re-assess the same in the next tax roll thereafter to be made, together with interest on the said assessment, at ten per centum per annum, to be computed from the time of confirmation of such unpaid assessments.

Council may provide for collection of, etc.

SEC. 11. The city council may, by ordinance, provide for the collection of all taxes specially assessed, which shall remain unpaid for more than three months after the same shall be payable, and for the sale of real estate for the non-payment of such taxes, and for the redemption thereof, provided that all proceedings relative to the notice of sale, and the manner of constructing the same, and the time to redeem, shall be in conformity, as near as may be, to the provisions of law, regulating the sale of lands delinquent for State, county and township taxes, and provided further, that all such proceedings shall be had and conducted by and under the supervision of such officers of the city, as may be designated in such ordinance.

CHAPTER XXV.

APPROPRIATION OF PRIVATE PROPERTY.

For what purpose may be taken.

SECTION 1. Private property may be appropriated for public use in the city for the purpose of opening, widening, altering and extending streets, alleys and avenues, for the construction of bridges, for buildings and structures for the fire department, for public grounds, parks, market places and spaces, for public wharves, docks, slips, basins and landings on navigable waters and for the improvement of water-courses for sewers, drains and ditches, for water-works and for necessary public buildings, hospitals, pest houses and public cemeteries, but such property shall not be taken therefor without the consent of the owner unless the necessity for using the same and the just compensation to be made therefor shall be determined by a jury of twelve freeholders residing in the city, nor shall any improvement requiring the taking of private property be made except with the concurrence of two-thirds of all the aldermen elected to office; the council may, however, acquire such property by negotiation and purchase.

Without consent of owner, etc.

Proceedings for taking private property.

SEC. 2. When the council shall deem it necessary to make any public improvement requiring the taking of private property not acquired by purchase, they shall so declare by resolution describing the proposed improvement, and each parcel of land designed to be taken by metes and bounds giving the names of the owners or persons interested therein, so far as known, and shall, in the [same] resolution, designate a justice of the peace of the city to whom an application will be made at a time therein to be stated for the impaneling of a jury to ascer-

tain the necessity of using said land and the just compensation to be made therefor.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace and notice of the time and place of making such application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application, and a copy of said notice and resolution shall be served personally by the city marshal or the sheriff of the county at least two weeks before the time for said application upon each person or owner interested in said lands so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county, and if any such guardian, owner or person interested in the premises shall not be found within the city or county, a copy of said resolution or notice shall be posted upon the premises to be taken, the same length of time before making the application and return by the sheriff or city marshal of the service or posting of the copies of said notice and resolution, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution shall be filed with the said justice before or at the time of making said application, and after the publication and service of posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice except as herein otherwise provided.

SEC. 4. At the time appointed therefor in said resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal or sheriff of the county to make a list of [the] names of twenty-four disinterested freeholders residing in said city competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands, shall strike off six names, or upon their failing to do so, the justice shall strike off six names for him or them, and thereupon he shall issue a *venire* directed to the city marshal or sheriff of the county, to summon [the] twelve persons whose names remain upon said list to appear before said justice at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution, and shall then adjourn the further proceedings in the matter to the return day of said *venire*; said *venire* shall be served by the city marshal or sheriff as in other cases of *venire*. Said jurors shall be liable for non-attendance, the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

Idem.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State, but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem* to protect the interest of the person for whom he is so appointed.

Idem.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city until a panel of twelve qualified jurors shall be obtained. Each party and every party having an interest in any of the lands shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken to determine and award to each person entitled thereto, the just compensation to be allowed for his or her interest in the land [so] taken.

Idem.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement showing the location and boundary of each parcel of land sought to be taken, and its position in relation to adjoining lands, and any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Idem.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties.

Idem.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council, separately; if they shall find it necessary to take the same for the purposes of the improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award, as damages and compensation, such sum only as shall remain after deducting said estimated benefit. If sev-

eral persons shall have separate claims upon the same lot or parcel of land as owners, mortgagees, lessees or otherwise, they shall apportion to each, such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

SEC. 10. The jury shall make a report of their determination and awards in writing. They shall describe therein by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot, or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor, the name of the owner and of any persons having separate claims thereon, by mortgage, lease or otherwise, to whom said damages are awarded and the amount awarded to each, and the date and the description of any mortgage, lease or lien, by virtue of which such claim is made. When conflicting claims are made to any damage awarded the jury, without deciding between the claimants, shall report the fact by their names, and the amount awarded for the land; they shall report the lands, if any, as to which they fail to agree; said report signed by each juror shall be returned to the justice within ten days after the impaneling of the jury. Idem.

SEC. 11. The city attorney shall give such assistance to the jury in making up their report, as they may require. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket. City attorney to assist the jury.

SEC. 12. A disagreement of the jury, as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed, and upon any such disagreement the justice may, on the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands, concerning which there was a failure to agree, and a new jury may, in like manner, be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place who shall have the like qualifications, and be sworn and exercise the same duties, as the other jurors of the panel. Disagreement of jury, etc.

SEC. 13. Upon filing the report and award made by any jury, with said justice, a copy thereof may be taken by the city attorney, for the use of the council, and at any time thereafter and within forty days after the impaneling of the jury making the report the justice, upon application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall Copy of report for council.

take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive, as to all parties not appealing therefrom, within the time prescribed in the next section.

May appeal to
circuit court.

SEC. 14. Any person aggrieved by the judgment of confirmation, mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains and his objections, if any, to the amount of damages awarded and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him, in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Appellant to pre-
sent statement,
etc.

SEC. 15. At the time of filing said claim of appeal, the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised, upon the errors and objections alleged in the claim of appeal and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill within ten days after said bill is presented. Said justice, if necessary, shall cause the same to be corrected, according to the facts of the case, and sign the same, and within ten days thereafter, said justice shall make and certify a return to said appeal, setting forth a transcript from his docket, of all the proceedings and the judgment of confirmation entered therein and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and said bill of exceptions, and file the same with the clerk of said circuit court.

When circuit
court to have ju-
risdiction, etc.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case and, upon the hearing thereof, shall first consider the errors alleged in said claim of appeal and if the proceedings are found invalid, as to the party appealing on account thereof, the court shall remand the case as far as affects the appellant, to said justice, and a new jury may be called, and the like proceedings be had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury, at the same term, upon the question as to the amount of damages to be awarded, but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation, shall not in any way affect said judgment as to other persons interested therein, who do not appeal.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial, in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant, for the purpose mentioned in the resolution of the council, and unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just. Of costs.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace, after the same has become final, and of the report of the jury, thereby confirmed, and records of such copies, made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same. Certified copies to be evidence

SEC. 19. Within three months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons, the several amounts of damage and compensation, awarded to them as finally confirmed, and in case such person shall refuse the same, or the owner be unknown or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amount, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interests of the respective parties making claims thereto. Payment to be tendered within three months.

SEC. 20. Upon the payment, tender or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, shall rest in the city, but the council shall have the right to occupy and use the land, at any time after the expiration of thirty days from the date of the judgment of confirmation by the justice or the circuit court when appeal has been had thereto. A certificate of the treasurer of such payment, tender or deposit, or a record of such certificate, in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city, in the lands and property taken. Fee of land to rest in city.

SEC. 21. In all cases where any real estate subject to a lease or agreement shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only Lease, etc., to end, etc.

of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

CHAPTER XXVI.

FINANCE AND TAXATION.

Fiscal year.	SECTION 1. The fiscal year of the city organized under this act, shall commence on the third Tuesday in March in each year, unless otherwise provided by ordinance.
Power to levy taxes, etc.	SEC. 2. The council of the city shall have authority, within the limitations herein prescribed, to raise, annually by taxation within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted.
Funds.	SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan, to be repaid by such tax, may be divided into the following general funds:
Contingent.	<i>First</i> , Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;
Fire department.	<i>Second</i> , Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain a fire department in the city;
General street.	<i>Third</i> , General street fund, to defray the expenses of opening, widening, extending, altering and vacating streets and alleys, and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the repair and construction of sidewalks and cross-walks and for the care thereof;
Water.	<i>Fourth</i> , Water fund, for constructing reservoirs and cisterns and providing other supplies of water;
Police.	<i>Fifth</i> , Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;
Interest and sinking.	<i>Sixth</i> , Interest and sinking fund, for the payment of the public debt of the city, and the interest thereon;
Other funds.	<i>Seventh</i> , Such other general funds as the council may from time to time constitute.
Limit of general tax.	SEC. 4. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, shall not, except as herein otherwise provided, exceed in any one year one per cent of the assessed value of all the real and personal property in the city, made taxable by law.
For interest and sinking fund tax.	SEC. 5. The council may also raise such further sum annually, not exceeding three mills of the dollar of the assessed valuation of the property in the city, as may be necessary to

provide an interest and sinking fund to pay the funded debts of the city and interest thereon.

SEC. 6. It shall be the duty of the council to cause estimates Estimates of expenditures. to be made in the month of September in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds, during such fiscal year.

SEC. 7. The council shall also in the same month, determine For deficiencies. the amount required to be raised in the next general tax levy, to meet any deficiencies for the current year.

SEC. 8. The council shall also in the said month, pass a Annual appropriation bill. resolution to be termed the annual appropriation bill, in which they shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation, for the next fiscal year, payable from the several general funds, and order the same, or so much of such amounts as may be necessary to be raised by tax, with the next general tax levy, or by loan, or both, and to be paid into the several general funds of the city, but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the council is authorized by sections four and five of this chapter to raise by general tax during the year. The council shall specify in such resolution, the objects and purposes for which appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the disposition to be made of such moneys.

SEC. 9. All sums ordered in the annual appropriation bill in any year to be raised for the several general funds, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October, and all such sums shall be levied and collected with the State and county taxes, next thereafter to be levied in the city. Clerk to certify to supervisors.

SEC. 10. After the passage of the annual appropriation bill no further sums shall be raised or appropriated, nor shall any further liability be incurred for any purpose, to be paid from any general fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the qualified electors, voting upon the proposition at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which was caused by casualty or accident happening after making the Further sum not to be raised except by vote of electors.

annual appropriation for the year, nor from borrowing the money therefor.

Improvement
not to exceed
appropriation,
etc.

SEC. 11. No improvement, repairs, work or expenses to be paid for out of any general fund, excepting as herein otherwise provided, shall be ordered commenced or contracted for or incurred, in any fiscal year unless in pursuance of an appropriation specially made therefor in the last preceding annual appropriation bill; nor shall any expenditure be made or liability be incurred in any such year, for any such work, improvement, repairs or for any purpose exceeding the appropriation so made therefor; nor shall any expenditure be made or money paid out of any general fund for any purpose unless appropriated for that purpose in the said bill.

No public work
to be com-
menced, etc., un-
til tax has been
levied.

SEC. 12. No public work, improvement or expenditure, shall be commenced, nor any contract therefor let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expenses thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied, or from the proceeds of the liquor tax, licenses, fines and other special resources of the city.

Part may be
raised by loan.

SEC. 13. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for the purpose of the general fund, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

Proviso.

Greater amount
may be raised by
tax or loan.

SEC. 14. Should any greater amount be required in any year for the purpose of erecting public buildings or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the qualified electors voting upon the question, at an annual city election. The amount that may be voted or raised, in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city, as shown by the last preceding tax rolls made therein.

Limit.

Proposition must
be submitted
to vote.

SEC. 15. The proposition to raise such additional amount shall be submitted to a vote of the qualified electors, by a resolution of the council, distinctly stating the purpose of the proposed expenditures, the amount proposed to be raised therefor; and whether by tax or loan. Such resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places, in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Notice to be
published.

Funds to be
kept separate.

SEC. 16. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for

which such moneys were raised and received and none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year: *Provided, however,* Proviso. Moneys belonging to the contingent fund may be transferred to any of the other general funds at any time, by a vote of two-thirds of the [aldermen] alderman elect. All moneys received not otherwise appropriated shall be credited to the contingent fund.

SEC. 17. No moneys shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk countersigned by the mayor. Such warrants shall specify the fund from which it is payable and shall be paid from no other fund. Money, how drawn.

SEC. 18. No loans shall be made by the council, or by its authority, in any year, exceeding the amount prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a rate of interest not exceeding seven per cent. A record showing the dates, numbers and amounts issued and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued, in place of former bonds falling due, in such manner as merely to change but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs and from what fund it is payable. The bonded indebtedness of the city shall not at any one time exceed the sum of one hundred thousand dollars, and no bonds shall be floated at less than the par value thereof. Of loans, etc.

SEC. 19. Immediately upon the close of the fiscal year, the council shall audit and settle the accounts of the city treasurer, and other officers of the city, and the accounts also as far as practicable, of all persons having claims against the city, or accounts with it, not previously audited, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments, and the amount collected on each, and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable and with what rate of interest, the amount of salary or compensation paid or payable to each officer of the city, for the year, and such other information as shall be necessary to a full understanding of all the financial affairs of the city. Council to audit and settle claims.

SEC. 20. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof Statement. To be filed and published.

published in one of the newspapers in the city, at least five days previous to the next annual city election.

Misappropriation
of funds.

SEC. 21. If any officer of the corporation shall, directly [of] or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or [any] and board thereof, to his own use or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value or property, may have been appropriated, raised or received or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office and may be prosecuted, tried and convicted thereof, and on conviction may be punished by a fine not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court.

CHAPTER XXVII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessor to make
assessment.

SECTION 1. The assessor of said city shall, in each year, make and complete an assessment of all the real and personal estate within the city liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property within the townships of the State, and in so doing he shall conform to the provisions of law governing the action of supervisors in townships, performing like services, and in all other respects, within the city, he shall, unless otherwise in this act provided, conform to the provisions of law applicable to the actions and duties of supervisors in townships, relative to the assessment of property. The property in each ward shall be assessed in separate assessment rolls for convenience [or] of reference.

When persons
reside in
city part of
the time, etc.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of the assessor, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence and is taxed or liable to taxation elsewhere than in said city, the assessor shall, notwithstanding, assess such person for such amount of personal property as in his opinion, shall be just and such assessment shall be conclusive as to the liability of such person to be assessed, to pay the tax levied in pursuance thereof, unless such person shall present to the officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property, for the same years, to such other collector or receiver of taxes.

Personal
property to be
assessed where
found.

SEC. 3. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward

in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned, may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

SEC. 4. The supervisors of the several wards, together with the city attorney and city assessor, shall constitute a board of review of assessments. At the time appointed by law for the review of assessments made by supervisors of townships, the said board of review shall meet at the office of the city clerk, and there proceed to review and correct the assessments made by the assessor, in the several wards, and for that purpose said board shall have the same power, and perform the same duties in all respects, as boards of review in townships. Said boards shall be and continue in session, at and for the same time as is provided by law for boards of review in townships. Notice of the time and place of the meeting of said board for the purpose aforesaid, shall be given by the city clerk, by publication in one of the newspapers of the city, at least one week before the time for review.

Board of review.

Notice of meeting to be given.

SEC. 5. When the board shall have reviewed and corrected the assessment rolls of the several wards, they shall, in addition to the certificate required to be made by the assessor, add their own certificate to each roll signed by at least a majority of them, showing that they have reviewed the roll, and within thirty days thereafter the city assessor shall deliver his assessment roll to the city clerk, to be filed in his office, for the use of the council. The board of review shall have authority to equalize, alter, amend and correct [any] and assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said roll any property wrongfully assessed thereon. The concurrence of a majority of the board, shall be sufficient to decide any question in altering, or correcting any assessment.

Board to attach certificate.

Authority to equalize, etc.

SEC. 6. On or before the first Monday of October in each year, the city clerk shall certify to the county clerk of the county in which the city is located, the aggregate amount of all sums which the council require to be raised for the year for all purposes, by general taxation, upon all the taxable property of the whole city.

City clerk to certify to county clerk.

SEC. 7. Said county clerk, as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, among the several wards of the city, according to the valuation of the property appearing upon the assessment rolls of said several wards of the city, for such year as equalized by the board of supervisors and certify to the city clerk of said city, for assessment therein, the amounts so apportioned to the several wards within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in said wards, and in the townships of the county for the year.

County clerk to apportion taxes, etc.

County and
State taxes to
be levied in
same roll.

SEC. 8. The city clerk, at the time of levying State and county taxes in the city for the year shall levy in the same roll upon all the taxable property in the city, the amount certified to him by the clerk of the board of supervisors, as provided in section seven, to be raised for the city, and also for school and library purposes, placing the city taxes in one column, and the school and library, one mill, and school-house taxes in another column, and shall place the State and county taxes in other columns; the amount of the several taxes so levied upon each valuation shall be carried into another column.

Clerk to certify
to treasurer.

Bond of
treasurer.

SEC. 9. The city clerk upon completing the rolls shall certify to the city treasurer the amounts of taxes levied in the rolls, for State and county purposes, and he shall charge the amount thereof to the city treasurer. The city treasurer shall bond to the county treasurer, in the same manner as township treasurers are required to do and thereupon and on or before the first Monday in December, the city clerk shall deliver the tax rolls, with the [taxes] extended therein, as aforesaid, to the city treasurer with his warrant for the collection of taxes therein annexed thereto.

What warrants
shall state.

SEC. 10. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasurer respectively, and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof, opposite their respective names, and the warrant shall authorize the treasurer in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Taxes a lien.

SEC. 11. All taxes levied in any city tax roll shall be and remain a lien upon the lands upon which they are levied until paid.

Taxes, how
collected.

SEC. 12. For the collection of all taxes, the city treasurer shall proceed in the same manner as township treasurers are required by law to do, for the collection of taxes in townships and shall, for that purpose, have all the powers and authority conferred by law upon township treasurers for such purposes and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

New warrants.

SEC. 13. The county treasurer may issue new warrants to the city treasurer for the collection of taxes, in the same manner and in the same cases and with the same effect, as such new warrant may be issued to township treasurers. The city treasurer may, and it shall be his duty, to proceed by suit in the name of the city for the collection of unpaid taxes, in the same cases and under like circumstances in which township treasurers are authorized to proceed in that manner, and all the provisions of law applicable to suits and the evidence therein brought by township treasurers, in the name of their townships for such purposes, shall apply to suits brought by the city treasurer as aforesaid.

Unpaid taxes.

SEC. 14. All provisions of law relative to the collection of taxes levied in townships, shall apply to the collection of taxes levied and assessed in said city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the treasurer shall perform the same duties and have the same powers as township treasurers except as herein otherwise provided. For the collection of all taxes under this act, the city treasurer shall be entitled to, and shall receive the same emoluments and fees, as are by law provided for township treasurers in rendering like services, except as herein otherwise provided.

Provisions of
law to apply.

Fees.

SEC. 15. All the provisions of law respecting delinquent taxes levied in the townships, shall apply to all taxes levied in the city, and returned as delinquent to the county treasurer and the city, in respect to taxes levied therein, and returned to the county treasurer as delinquent shall, as herein otherwise provided, be considered and treated as a township, and all provisions of law for the sale of lands for the payment of taxes levied for State, county and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in the city except as herein otherwise provided.

Delinquent
taxes.

CHAPTER XXVIII.

EDUCATION.

SECTION 1. The city incorporated under this act, together with the residue of the territory now included in the school district, shall be a body corporate, by the name and style of the public schools of the city of Escanaba, and shall possess the usual powers of corporations for public purposes, and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased or acquired by this chapter, or by the laws of the State.

School district,
boundaries of,
etc.

SEC. 2. The school inspectors elected as provided in this act, shall constitute the board of education of the public schools of the city. They shall elect from their own number, annually, at such times as they shall designate, a president and secretary of the board. They shall meet from time to time, as they may determine, for the transaction of business, and shall keep a record of their proceedings. The president of the board shall have no vote in the proceedings except in case of a tie. Any eight members of the board shall constitute a quorum for the transaction of business, but a less number may meet and adjourn, from time to time, until a quorum shall be present. The city treasurer shall be the treasurer of the public schools.

Board of
education.

SEC. 3. The board of education shall have the control and management of the property, interests and affairs of the district, and of the schools organized or that may be organized

Powers and
duties of.

therein. They shall establish and maintain such primary and graded schools, as the public interest may require, and when deemed expedient shall establish a high school or high schools, for instruction in the higher branches of education, authorized by the school laws of the State. The schools of the district shall be public, and free to all children between the ages of five and twenty years, residing within the city, and shall be taught for such lengths of time, at least, during each year as is or may be required by law, in respect to school districts having a like number of children of the ages aforesaid.

To employ
teachers, etc.

SEC. 4. The board of education shall employ the teachers and instructors for the public schools, and determine their salaries and define their duties. They shall prescribe the courses of study to be pursued; the books to be used; classify the pupils as may be expedient, and provide the necessary apparatus and facilities, for instruction; determine the rate of charges for instruction of pupils not resident in the city; make all regulations necessary or required and determine the length of time the school shall be taught each year; adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education.

Library.

SEC. 5. Said board shall maintain a district library, and may apply to the purchase of books therefor, in addition to the amount received on account of fines and forfeitures, such sum annually as they may deem expedient.

Statement.

SEC. 6. They shall publish, annually, a statement of the number of schools in the city, and the number of teachers employed, and of the pupils instructed therein, during the preceding year, and the branches of education pursued by them.

School-houses,
etc.

SEC. 7. The board of education shall have authority, and it shall be their duty, to designate and establish such number of sites for school-houses in the district as may be necessary, and to purchase and procure the lands therefor, and to erect and maintain thereon, in proper repair, convenient and suitable school-houses and buildings, for the use of public schools, and to provide the proper furniture and appurtenances for such buildings and grounds. They may also lease lands and buildings for the use of the schools, and may sell and dispose of any lands and property of the district, when no longer needed. They shall make and enforce all needful regulations for the protection and preservation of the school buildings, property and improvements of the district, and the council shall pass all necessary ordinances for that purpose.

Census.

SEC. 8. The board shall cause a census to be taken annually, of all the children between the ages of five and twenty years residing in the district, within the time and in the manner required by law, and report the same and make and transmit all other necessary reports to the proper officers as designated by law, in order that the district may receive its share of the primary school funds, and library moneys. For the purpose of distribution of the primary school funds and moneys, collected from fines and penalties, the city shall be considered

the same as a township, and said board shall be entitled to receive from the county treasurer, or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city, for the primary schools and district libraries.

SEC. 9. Said board shall publish from time to time in one of the newspapers of the city a full report of all the proceedings of their meetings, relating to the finances and expenditures of the district. They shall, also, in the month of September, in each year, make and publish a statement of all the receipts and expenditures of the district, for the preceding year, showing the items thereof; the sources of income; the amount of salaries paid to officers, teachers and employes and to whom paid; the obligations incurred, during the year, and the amount of indebtedness outstanding and to whom payable; and also the estimates required to be made as in the next section mentioned, of the expenditures for grounds and buildings, and for the support of the schools for the ensuing year, and the items thereof, all of which shall be recorded with the proceedings of the board. Publish reports, etc.

SEC. 10. The board shall also make and deliver to the city council, annually, in the month of September, an estimate and report of the [amounts] amount necessary to be raised in addition to other school funds, for the entire support of the public schools, including fuel, pay [of] or teachers, repairs and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings, and support of the school library, and for all purposes of expenditures which the board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be, which sum so reported, the council shall cause to be raised by tax upon all the taxable property in the city, with the general city taxes next thereafter to be raised: *Provided*, That the amount so to be raised in any one year, for the purchase of the grounds and the erection of buildings and for payment of indebtedness and interest thereon incurred, for grounds and buildings, shall not exceed one per cent, and the amount for the support of the schools and for all the other purposes above mentioned, shall not exceed one and one-half per cent of the taxable valuation of the real and personal property in the city, as shown by the tax rolls of the preceding year. Annual estimates.

SEC. 11. For the payment of current expenses the board may borrow, from time to time, in anticipation of the collection of taxes levied or herein authorized to be levied during the same year for school purposes such sum not exceeding the tax and to be paid therefrom as they may deem expedient. For the purchase of grounds, the erection of school buildings, and for the payment of indebtedness incurred for such purposes, the said board may, in addition to all other sums herein authorized to be raised, borrow from time to time, upon such terms and time as they shall find expedient, any sum not exceeding in any one year one per cent of the taxable valuation of the prop- May borrow money, etc.

erty in the district. For any sums borrowed, and for the renewing of former loans, the board may issue the bonds of the public schools of the city, for payment of which the faith of the district shall be pledged.

Excess may be raised by tax or loan.

SEC. 12. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections, such sum, not exceeding one per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan if authorized by a majority vote of all the qualified electors of the district being taxpayers present at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one of the newspapers of the city, and by posting copies thereof in five public places in the city, at least ten days before the meeting.

Treasurer to give bonds.

SEC. 13. The treasurer shall give bonds to the public school of the city in such sum and with such sureties as the board of education shall approve conditioned for the faithful performance of the duties of his office; such bond shall be filed with the secretary of the board before such treasurer shall enter upon the duties of his office. All school and library moneys receivable from the county treasurer, and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to, or paid out for any purpose, except upon the written order of the president countersigned by the secretary of the board. Any officer or persons paying to the treasurer any money belonging to the public schools shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

Compensation of secretary.

SEC. 14. The secretary of the board shall receive such compensation for his services as such officer as the board shall determine, and shall perform all the duties required by law or directors of school districts, under the general school laws of the State, except as herein otherwise provided. No other member of the board shall receive compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Property to be vested in city.

SEC. 15. All the school buildings, property and effects, situated in the present city of Escanaba, in the county of Delta, in this State, at the time this act takes effect, shall be vested in and be the property thereby designated as the public schools of the city, and all the debts and liabilities of the present school district shall be the debt of and be paid by the district hereby incorporated, and all contracts existing between said present school district and all persons, shall be deemed and considered contracts between the district hereby created and such persons. Any tax levied and uncollected in such former district shall be collected and enforced as if this new incorporation had not taken place.

CHAPTER XXIX.

FIRE DEPARTMENT.

SECTION 1. The council shall have the power to enact such ordinances and establish and enforce such regulations, as they shall deem necessary, to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accidents resulting therefrom, and for this purpose may establish and maintain a fire department; to organize and maintain fire companies, to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employes, firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribing the powers and duties of such employes, firemen and officers: *Provided, however, Volunteer fire companies shall have the privilege of electing their own officers.* Council to enact ordinances, etc.

SEC. 2. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires, and they may sink wells, and construct cisterns, and reservoirs in the streets, public grounds, and other suitable places in the city, and make all necessary provisions for a convenient supply of water for the use of the department. May purchase, engines, etc.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department. Provide buildings, etc.

SEC. 4. The chief engineer of the fire department shall be the head of the department, and subject to the direction of the mayor, and shall have the supervision and the direction of the department and the care and management of the fire engines, apparatus, and property, subject to such rules and regulations as the council may prescribe. The council may appoint such assistant engineers and other officers of the department as may be necessary. Engineer to be chief, etc.

SEC. 5. The chief engineer, mayor, chief of police and any alderman, or officer of the fire department, may command persons present at any fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement, or other lawful order and direction of any such officer, the officer giving the order may assist or direct any policeman or citizen to arrest such person and confine him, temporarily, until the fire shall be extinguished, and in addition thereto, he shall be punished in such manner as may be prescribed by the ordinances of the city. When and how assistance may be commanded.

SEC. 6. The council may provide by ordinance for the appointment of, and may appoint such number of fire-wardens, as may be deemed necessary, and for the examination by them from time to time, of the stoves, furnaces and heating apparatus and devices, in all the dwellings, buildings and structures Fire-wardens, etc.

within the city, and of all places where combustibles or explosive substances are kept, and to cause all such as are unsafe, with respect to fire, to be put in a safe condition.

Fire limits.

SEC. 7. The council may prescribe by ordinance, from time to time, limits [or] and districts within the city within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such district with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

Prohibiting hazardous buildings, etc.

SEC. 8. The council may also prohibit, within such places, or district, as they shall deem expedient, the location of shops; the prosecution of any trade business; the keeping of lumber yards and the storing of lumber, wood, or other inflammable material in open places, when, in the opinion of the council, danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances, and the use of lights in buildings, and generally, may pass and enforce such other ordinances and regulations, as they may deem necessary for the prevention and suppression of fires.

What may be declared a nuisance.

SEC. 9. Every building or structure, which may be erected, placed, enlarged or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by direction of the council.

Compensation of members, etc.

SEC. 10. The officers, firemen and employes of the department, shall receive such compensation as the council may prescribe, and during their term of service, shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property, in consequence of the performance of his duty at a fire.

Buildings may be pulled down, etc.

SEC. 11. The chief engineer in charge of the department at any fire, with concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor, but, if any person having an interest in the building shall apply to the council within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use, and the council may cause the amount of any damages determined upon to be paid out of the contingent fund.

Prevention of harbor fires.

SEC. 12. The council of said city may by ordinance prescribe such regulations, to be observed by owners, masters and employes of steamboats, and water craft upon any navigable waters adjacent thereto, as may be necessary for the prevention

of fires in the harbor and to prevent the communication of fire from such boats and craft, and may prescribe in such ordinance the manner of collecting all penalties imposed thereby.

CHAPTER XXX.

MISCELLANEOUS.

SECTION 1. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk or city attorney, at least ten days before the day of appearance mentioned therein, and justices of the peace shall have jurisdiction of all actions against the city, where the debt or damages claimed do not exceed one hundred dollars.

All process to run in name of city.

SEC. 2. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within the city, except by permission and approval of the council, by resolution passed for that purpose, nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivision thereof, platted and subdivided as approved by the council, and made to their satisfaction, showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city. Nor shall any such plat and dedication of the streets and public grounds thereon, be recorded in any office of any register of deeds, until a certificate has been indorsed thereon by the city clerk under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city, by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm, by ordinances, as provided by section two of chapter twenty-two of this act.

Council to approve plats, etc.

SEC. 3. After the incorporation of the city, under and subject to the provisions of this act as aforesaid, the government and affairs of the former city of Escanaba shall continue and proceed as before, and all persons in office at the time this act takes effect shall remain in office and exercise their powers and duties as such officers, except as herein otherwise provided, until the city officers and members of the council elected under this act, or a majority of them, shall enter upon the duties of their offices.

Present officers to continue.

SEC. 4. All public buildings, property, moneys, credits and effects including uncollected taxes, situated within or belonging to the city of Escanaba at the time this act takes effect, shall be vested in and be the property of the city of Escanaba, hereby incorporated, and all the debts and liabilities of said city of Escanaba shall be the debts of and be paid by said city of Escanaba as hereby incorporated.

Public property to be vested in city, etc.

SEC. 5. Act number two hundred forty-five of the local acts of the year one thousand eight hundred eighty-three, and act

Acts repealed.

number four hundred sixty-eight of the local acts of the year one thousand eight hundred eighty-seven, except as herein otherwise provided, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 242.]

AN ACT to designate and establish a State road through the township of Monitor, in the county of Bay.

Location of
road.

SECTION 1. *The People of the State of Michigan enact*, That a State road be and the same is hereby established as follows: Commencing at a point in the township of Monitor, Bay county, Michigan, on the east line of the northwest quarter of the northeast quarter, section thirty-one, town fourteen north, range five east, and southwest quarter of the southeast quarter of section thirty, town fourteen north, range five east, and running thence west on the section line between sections twenty-five and thirty-six, twenty-six and thirty-five, twenty-seven and thirty-four, twenty-eight and thirty-three, twenty-nine and thirty-two, thirty and thirty-one, town fourteen north, range four east.

Name.

SEC. 2. The name of said road shall be the Salzburg and Monitor State road, and placed within and under the control of the stone road commissioners of Bay county.

Amount to be
expended
thereon.

SEC. 3. There shall annually be expended thereon such sum of money raised by the stone road tax as shall be apportioned thereto by the board of supervisors and stone road commissioners of Bay county.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 243.]

AN ACT to authorize the city of Saginaw to borrow money for the purpose of constructing, adding to and improving the water-works system of the western taxing district of the city of Saginaw and to issue bonds therefor and charge all expenses thereof and payments therefor to, and to collect the same from, said district.

Authority to
borrow money
and issue bonds.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Saginaw be and it is hereby authorized and empowered to borrow on the faith and credit of said city, not to exceed the sum of twenty-five

thousand dollars for a period of not to exceed twenty years at a rate of interest not to exceed five per cent per annum, and to make, issue, negotiate and sell bonds therefor with interest coupons attached, at such time and in such manner and form as said common council shall determine, but said bonds shall be marked on the back thereof "western taxing district water bonds:" *Provided*, That a majority of the qualified electors of the western taxing district of said city voting upon the subject at any duly noticed election hereafter held in said district shall vote in favor of such loan in the manner specified in this act, and not otherwise.

Limit of loan.

Loan must be authorized by vote of electors.

SEC. 2. The same notice in point of time, manner and certainty of purpose of such election shall be given as is or may be required for notices of election for city and ward officers in said district, and the ballots to be used thereat shall be furnished by said city and shall read: "For the twenty-five thousand dollar water main extension across Saginaw river—Yes," and "For the twenty-five thousand dollar water main extension across Saginaw river—No," and such election, counting, returning, canvassing and declaring of such ballots and election shall be the same, as near as may be, as in the case of officers voted for at the same election, and if such loan be thus authorized and made, the proceeds of the bonds sold shall be used in constructing, adding to and improving the water-works system for said district by bringing the supply of water for said district across the Saginaw river, and not otherwise, and shall be expended by and under the direction of the board of water commissioners of said city.

Notice of election to be given.

Ballots.

Canvassing, etc., of votes.

Money, how expended.

SEC. 3. Said bonds, together with the interest thereon and all expenses incident to the issuing, negotiating and selling thereof and the expense of the election herein provided for, together with the expense of making such improvement, shall be first paid by said city, but so fast as any such payment shall be made the amount thereof shall be charged to said western taxing district, and the same shall be spread in the tax roll of said district, made next after such payment by said city and shall be levied on, assessed against and collected from the taxable property within said district and to the whole amount thereof, together with interest at the rate of six per cent per annum on all such payments so made by the city from the date thereof until said city is fully reimbursed and repaid with interest therefor and the obligation of said district to said city shall not cease until said city has been so paid and all needed re-assessments for the purpose of paying such obligations are hereby authorized.

Bonds to be paid by city.

To be charged to western district.

This act is ordered to take immediate effect.

Approved March 21, 1891.

[No. 244.]

AN ACT to organize the township of Sullivan in the county of Muskegon.

Territory detached.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, township number nine north, of range fifteen west, which territory now forms a part of the township of Fruitport, in the county of Muskegon, be and the same are hereby set off from said township of Fruitport, and that said territory be, and the same is hereby organized into a separate township by the name of "Sullivan," and that the first township meeting thereof shall be held at the school-house in the village of Sullivan, in the township of Fruitport, where such territory is now located, on the first Monday in April, [A. D.] one thousand eight hundred ninety-one.

Sullivan organized.

Inspectors of election.

SEC. 2. Albert Decker, Albert B. Klise, and George S. Martin, are hereby made and constituted a board of inspectors of election for said township election, and at such election the qualified electors of such township shall choose by ballot persons to fill the various offices in manner and form as provided by the general laws of the State in case of township elections.

Meeting at time other than time specified.

SEC. 3. If for any reason the township meeting provided for in section one shall not be held at the time specified herein for holding the same, it shall be lawful to hold the same at any time thereafter by giving at least fifteen days' notice of the time and place of holding such meeting by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election or a majority of them.

If inspectors appointed fail to attend, etc.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting, at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend such meeting.

Board of registration.

SEC. 5. And the said Albert Decker, Albert B. Klise and George S. Martin, or a majority of them, shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the session of such board of registration shall be held at said school-house in the village of Sullivan, at the same time as provided by the general law of the State in relation to the meeting of boards of registration.

This act is ordered to take immediate effect.

Approved March 25, 1891.

[No. 245.]

AN ACT to detach certain territory from the township of Manistique, in the county of Schoolcraft, and to organize the same into a separate township, to be known as the township of Doyle.

SECTION 1. *The People of the State of Michigan enact,* Territory detached.
That township forty-one, fractional, and townships forty-two, forty-three, forty-four and forty-five north, of range fourteen west, be and the same are hereby detached from the township of Manistique and organized into a separate township to be Doyle organized, known as the township of Doyle.

SEC. 2. The first annual meeting in said township of Doyle shall be held on the first Monday in May, in the year one thousand eight hundred and ninety-one, in the school-house of the district now known as number eight of said township of Manistique, but which will be situate in said township of Doyle, and Thomas Conarty, Arthur Beebe and Garrett Israel are hereby made and constituted a board of inspectors of said township election, and in case of vacancy or vacancies in said number of inspectors from absence or other cause the electors present shall fill the vacancy or vacancies from their own number by *viva voce* vote. First annual meeting.

SEC. 3. The said Thomas Conarty, Arthur Beebe and Garrett Israel shall form, and they are hereby constituted, a board of registration, which board of registration shall meet at the place appointed in the last preceding section as the place for holding the first annual meeting on the Saturday preceding the first Monday in May, in the year one thousand eight hundred and ninety-one, with like powers and duties of township boards of registration in other cases as provided by the general laws of this State. Board of registration.

SEC. 4. If for any reason the annual township meeting provided for by section two of this act shall not be held at the time designated for holding the same it shall be held at such time thereafter as may be designated by said board of inspectors, or a majority of them, by giving at least ten days' notice thereof by posting notices thereof in four of the most public places in said township, which notices the said board of inspectors, or a majority of them, are hereby authorized to give. Meeting at time other than time appointed.

This act is ordered to take immediate effect.

Approved March 25, 1891.

[No. 246.]

AN ACT to amend sections four, five, six, nine, eleven, twelve, fifteen, thirty-seven, thirty-nine, forty-five, fifty-eight sixty-one, sixty-four, eighty-three, ninety-two, ninety-nine, one hundred, one hundred and three, one hundred and ten, and

to repeal sections forty-four, sixty-three and seventy of act number two hundred and nineteen of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred and seventy-three, and all acts and parts of acts amendatory of said sections, and to add thereto two new sections, to stand as sections one hundred and fourteen and one hundred and fifteen.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections four, five, six, nine, eleven, twelve, fifteen, thirty-seven, thirty-nine, forty-five, fifty-eight, sixty-one, sixty-two, sixty-four, eighty-three, ninety-two, one hundred, one hundred and three, one hundred and ten of act number two hundred and nineteen of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred and seventy-three, and all acts and parts of acts amendatory thereof, be and the same is hereby amended so as to read as follows; and that sections forty-four, sixty-three and seventy of said act as amended, be and the same are hereby repealed, and that two new sections be and the same are hereby added to said act to stand as sections one hundred and fourteen and one hundred and fifteen.

Sections
repealed.

Sections added.

Officers to be
elected.

SEC. 4. The following officers shall be elected by the electors of said city: One mayor, one treasurer, two supervisors, who shall be *ex officio* assessors, one clerk, one collector, four justices of the peace, four constables and eight aldermen. The following officers may be appointed by the common council: One marshal, one city attorney, one surveyor, one health physician, fire-wardens, pound-masters, inspectors and measurers of fire-wood, one commissioner of cemeteries, such police force as may be necessary, and such other officers, assistants and agents as may be authorized by prior resolution of the common council.

Officers to be
appointed.

Terms of office.

SEC. 5. The mayor, clerk, treasurer, supervisor, collector and constables shall hold office for the period of one year; and the aldermen for the period of two years from the second Monday in April next after their election, and the justices of the peace for the period of four years from the fourth of July after their election.

Annual election.

SEC. 6. The annual election shall be held in the first Monday in April in each year at such place in each one of the wards as the council shall designate, which election shall be conducted as hereinafter provided. Notice of the time and place of holding any election and of the officers to be elected, and the questions or propositions, if any, to be voted upon shall, except as otherwise provided for, be given by the city clerk at least ten days previous to such election by posting such notice in three public places in said city, or by publishing a copy thereof in a newspaper or newspapers printed or published in said city, at least ten days previous to such elec-

Notice of
elections.

tion; and in case any question or proposition is to be voted upon, such notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing the same.

SEC. 9. On the day of election the polls shall be opened at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until five o'clock in the afternoon of the same day, and no longer; and the inspectors of election shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls one hour, thirty minutes and fifteen minutes before the closing of the polls.

Polls, when to be opened, etc.

SEC. 11. It shall be the duty of the chairman of the city committee, or other managing committee of any political party or organization in the city, before such election, to prepare and deliver to the city clerk the names of the candidates that form a ticket, at least four days previous to such election, which statement shall be filed by the city clerk, sealed up in an envelope, and upon the payment to the said city clerk of the actual cost with ten per cent added, said city clerk shall procure such number of tickets as shall be required and paid for, and deliver the same to said chairman or committee before the opening of the polls of said election. No ticket shall be used at such election, or circulated on the day of such election, unless furnished by the city clerk as aforesaid, no ballot or ticket shall bear on the outside thereof any impression, device, color or thing designed or liable to distinguish such ballot from other legal ballots or tickets, whereby the same may be known or [designed] designated. All ballots of such election to be of the same width and length, and the electors shall vote by ballot, which shall be provided as hereinbefore provided.

City clerk to procure tickets, etc.

No other ticket to be used.

SEC. 12. Such election shall in all respects be conducted in accordance with the general laws of this State, except as herein provided, and all or any penalties for the infraction thereof shall be as provided in such general law. And the inspectors of election shall, on the same day, or the next day, make a certificate stating the number of votes given for each person for office, and file such statement and certificate on the day of election or the next day with the clerk of said city, and the manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held by the people of the State of Michigan.

Election, how conducted.

Inspectors to file certificate.

SEC. 15. The expenses of election as provided in this act are to be city charges; the amount of such expenses to be regulated by vote of the common council when the accounts of such expenses are presented to them, except as herein otherwise provided, or as fixed and determined by the charter of said city. This section shall not apply to clerks of election or to members of boards of election and registration.

Election expenses to be city charges.

SEC. 37. All State, county and school taxes in said city shall be levied and collected as near as may be in the same manner as provided for the assessment and collection of taxes by town-

State, county and school taxes.

City taxes, how
levied and
collected.

Proviso.

Collection fees.

Collector to give
notice, etc.

Additional
percentage may
be added.

ship officers, and all proceedings for the return, sale and redemption of real estate, for non-payment of such taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate as is required by the laws of this State. All city taxes which shall be raised by general tax shall be levied and collected as follows: As near as may be in the same manner as provided by law for the assessment and collection of taxes by township officers and all proceedings for the return, sale and redemption of real estate for the non-payment of such taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate as required by the laws of this State: *Provided, however,* That each supervisor shall, on or before the first day of July of each and every year after the passage of this act, deliver to the said collector the tax roll for his wards with the city taxes for the year annexed to each valuation; to such tax roll or tax list the supervisor shall annex a warrant under his hand directing or commanding him to collect from the several persons named in said roll the sum mentioned in said roll opposite their respective names and to pay over said sums, after deducting one per cent of the amount collected by him as his fees for collecting, to the treasurer of the said city on or before the fifteenth day of July then next ensuing, and such warrant shall authorize the collector in case any person named in such roll shall neglect or refuse to pay his tax with the fees for [collecting] collection to be added on or before the said fifteenth day of July, then after the said fifteenth day of July to levy the same by distress and the sale of the goods and chattels of such person. The collector shall immediately after the receipt of the tax roll, post up in the post-office of said city, conspicuous handbills giving notice when and where the tax roll can be seen and the taxes paid, and a receipt therefor obtained, without expense, at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one until four o'clock in the afternoon, between the said first day of July and fifteenth day of July, Sundays excepted, and the tax roll shall be kept at the place or places mentioned in said handbills from nine o'clock in the forenoon until four o'clock in the afternoon of each day during said time, Sundays excepted, so that any person can pay their taxes assessed against him or them and obtain the collector's receipt therefor; and on all taxes so paid prior to the sixteenth day of July, no fee or percentage beside the amount of tax so specified in such roll shall be charged or payable. The said collector shall add to each tax remaining unpaid on the sixteenth day of July upon his roll, and it shall be lawful for said collector to add to each tax remaining unpaid on his roll on the sixteenth day of July, three per cent, and to collect such percentage in the same manner as he is authorized to collect such tax, and for the purpose of collecting such taxes such additional percentage shall be deemed and be taken to be part of the tax, and shall be paid into the city treasury with the regular tax. The collector of said city shall and may proceed

to collect the taxes of said city and to pay over the money received to the city treasury as soon as he shall have received the same as hereinbefore provided, and to return to the county treasurer at the time of the returning of the State and county taxes for the then ensuing year, a statement of the city taxes remaining unpaid and due in the manner provided by law for township treasurers. And all of the provisions of the laws of this State relating to the seizure and sale of personal property for the payment of taxes, [of] or relating to the returning by the township treasurers, to the county treasurer, of the statement of the taxes remaining unpaid and due, are hereby made applicable to the collector or collectors of said city and he or they shall be governed thereby. The collector shall, after so returning the statement of the city taxes so remaining unpaid and due to the county treasurer, at once account for and pay over to the city treasurer the full amount of all the taxes contained in his roll, deducting the amount of taxes uncollected and returned to said county treasurer, and deducting the amount of one per cent of all taxes collected by such collector for collecting or receiving the same. The supervisors of the ward shall carry out the provisions of this act relating to them.

Laws of State,
etc., to apply.

To pay to city
treasurer.

Duty of
supervisors.

SEC. 39. The common council shall have full power and authority to levy and collect from year to year such amount of taxes upon all real and personal property not exempt from taxation within the limits of said city as they may deem necessary to defray the expenses thereof, not to exceed one per cent on the equalized valuation in any one year for all purposes exclusive of costs of collection and exclusive of the tax for the support of the poor, except as hereinafter in this section provided, as follows:

Power of council
to levy taxes.

First, The common council may provide for the payment of all bonds that have been heretofore issued for the purpose of constructing a system of water-works, as they shall mature;

Payment of
bonds.

Second, The common council may provide by bonding the city or by levying a tax for the payment of the present floating indebtedness of said city in excess of the foregoing limit of one per cent;

Present floating
indebtedness.

Third, The common council may purchase of the Michigan Pipe Company all the water pipe owned by said company and now laid in the streets and alleys of said city at a cost not exceeding the price at which it is valued in the lease to said city, and the common council may provide for the payment of such pipes by levying a tax in excess of said one per cent per annum or by bonding said city at a rate not exceeding five per cent per annum, and they may provide by taxation for the payment of said bonds, in excess of the said one per cent;

Purchase of
water pipe.

Fourth, The common council shall have no power to incur any indebtedness, or pledge the credit of said city for any amount, except as in this section provided, in excess of the taxes for the current fiscal year: *Provided,* Said council may in any year previous to the first day of July anticipate the taxes of

No power to
incur indebt-
edness.

Provide.

that year by borrowing not to exceed the sum of three thousand dollars at a rate of interest not exceeding six per cent. for the purpose of paying the legitimate current expenses of the city, which loan shall be paid out of the money collected and assessed for the same year, and which said loan shall be paid on or before the fifteenth day of August of the same year that the same was made and shall not, after the said fifteenth day of August, bear any interest.

Collector to collect State, school and county taxes, etc.

SEC. 45. The collector in said city shall and may proceed to collect all State, county and school taxes in said city, and to pay over the money to the county treasurer and to return to the county treasurer a statement of the county taxes remaining unpaid and due in the manner provided by law for township treasurers, and all the provisions of the laws of this State relating to the collection of State, county and school taxes by township treasurers, and the returning of the same when unpaid to the county treasurer are hereby made applicable to the collector or collectors of said city.

Fees of constables, supervisors and justices.

Proviso.

SEC. 58. The justices of the peace, constables and supervisors, shall receive the same fees for services rendered to the city as justices of the peace, constables and supervisors of townships are entitled to receive for similar services under the statutes of the State of Michigan: *Provided, however,* That in case any of the services required by or rendered to said city by said justices of the peace, constables or supervisors, shall not be fixed or determined by the statutes of this State, then the fees or compensation therefor may be fixed by the common council by resolution or ordinance.

Registration.

SEC. 61. The registration of the legally qualified electors of the said city of Ionia shall, after the passage of this act, be conducted and required as follows:

Board of registration, when to meet, etc.

First, On the Friday next preceding the first Monday in April in each year, the board of registration, which shall consist of the aldermen of the respective wards, shall meet in their several wards at such places as shall be designated in a notice to be published in one or more newspapers in said city at least two weeks before said meeting. Said board shall be in session from eight o'clock in the forenoon until eight o'clock in the afternoon, and such registration shall be conducted, as near as may be, in accordance with the general laws of the State. In case of vacancy, death or removal of any alderman, the common council may appoint some elector or electors to fill the vacancy on the board of registration should any there be in the several wards;

Full registration, when to be had.

Second, On the Friday next preceding the election to be held on the first Monday in April in the year one thousand eight hundred and ninety-one, there shall be a full registration of the electors of the several wards, and every four years thereafter;

Books for registration.

Third, The common council shall cause to be procured and delivered new and suitable blank books for the several boards of registration prior to the meeting of said board, and such

new and suitable blank books shall be procured by the common council for such registration every four years thereafter;

Fourth, The different boards of registration for the different wards of said city shall meet at the city hall on Saturday following the day of registration as herein provided, and be and remain in session from one o'clock in the afternoon until eight o'clock in the afternoon for the purpose of reviewing and revising the different lists of registered electors of said city, and at such session of said boards, any elector of said city who was detained or unable from any reasonable cause to present himself for registration before the board of registration for his ward, on the said day of general registration as herein provided may, upon showing such reasonable cause for such failure to register, have his name registered in the registration book of his ward by the registration board thereof.

The different boards to meet, etc.

SEC. 64. The city clerk in addition to the other duties pertaining to his office shall file all chattel mortgages, when the mortgagor or mortgagors, or any one of them named therein shall reside in said city of Ionia, or when the property covered by the same shall be situated within the limits of said city, and shall keep a book containing the entry of the same, and shall receive therefor the filing and the entering of each of said mortgages the sum of twenty-five cents; and such mortgages when so filed in the office of the said city clerk shall have the same effect as mortgages filed in the offices of township clerks under the general laws of the State.

Duties of city clerk.

SEC. 83. The common council shall have the power to establish, construct, maintain, control, supervise, regulate and keep in repair a system of water-works for the purpose of supplying the city of Ionia with water for municipal, domestic and other purposes, and are hereby invested with full and complete power and authority to enact, make and adopt any and all such ordinances, by-laws, rules and regulations as they may deem necessary, requisite and expedient to carry into complete effect the power and authority hereby conferred upon them relative to the water-works of said city, and for the conduct of its business: *Provided, however*, That the common council may delegate by resolution or ordinance any of the powers herein conferred to be performed as provided by section ninety-two of this act, by the said board of public works.

Water-works.

Proviso.

SEC. 92. The board of public works shall have the management and control of the water-works of the city; they shall have authority to and may lay down, repair and maintain and do all things necessary to the laying down, repairing and maintaining of water-works, water mains and pipes beneath, and through and along the streets, lanes and alleys, and into the public places of said city, and for the purpose of supplying water for public and private use; they shall also have the superintendence and management in the erection, repairing and maintaining of all the public buildings of said city, and in the construction, maintaining and repairing of all sewers that may be required in said city: *Provided, however*, That all of the

Board of public works, authority of, etc.

Proviso.

powers herein vested in said board of public works, and all acts done by said board by virtue thereof, shall be subject to the approval of the common council, after delegation of such powers as provided in section eighty-three of this act. In [cases] case [of] necessary repairs of said water-works, mains, pipes, buildings and sewers, they shall cause the same to be made as soon as may be when required at the expense of said city, rendering to the common council the actual cost of the same, which shall be paid out of the funds of the city upon order of the common council. They shall also have authority to, and may appoint such officers and agents under them as may be necessary for the management of said works and oversight of said sewers and public buildings, and define and fix the duties and compensation of such officers subject, however, to the approval of the common council as to the compensation they shall receive.

To fix water rates. SEC. 99. The board of public works, subject to the approval of the common council, shall annually and in the month of April, fix the water rates for the ensuing year, and determine how and when they shall be paid. Such rates shall be based as near as may be upon the amount of water used. On the second Tuesday after the first Monday in each year, said board shall elect a water commissioner who shall hold his office for one year, unless sooner removed by said board. They shall also fix and determine the compensation of said commissioner subject, however, to the approval of said common council. In case any person or persons from whom water rates are due or unpaid shall not pay the same at the time and place specified by the board of public works, collection of the same may be enforced in an action of assumpsit on the common counts, and in the name of the city of Ionia before any court of competent jurisdiction, and the water commissioner, upon order of the board of public works, shall shut off the water to such delinquent rate-payer until said rates, so due and unpaid, shall have been paid with all costs, in case suit has been commenced against them.

General fund. SEC. 100. The general fund of the city shall consist of all licenses and fine moneys, and so much of the annual or city tax as shall not have been appropriated to other funds, and all moneys received from the liquor tax and for the poor fund shall be credited to the general fund of said city. The water-works fund shall consist of all water rates paid, all fines and penalties collected by the board of public works, and such sums as may be from time to time appropriated by the common council from the general fund or from the annual city tax, or that may be received from the sale of water-works bonds.

Water-works fund. The sewer fund shall consist of all fines and penalties received by the board of public [works] work, the amounts assessed upon property owners, their proportion of the [expense] expenses of construction, and such sums as may be appropriated from the general fund, or from the annual city tax, or from the sale of sewer bonds.

Sewer fund.

SEC. 103. The common council when acting as members of the board of inspectors of election, or as members of the board of registration, and the clerks of election and any person or persons acting upon said board of election or registration, shall be entitled to the sum of two dollars and fifty cents per day, and at a like rate for parts of days when engaged in the duties required by said offices: *Provided*, That the whole time charged for both registration and election for any one election shall not exceed three and one-half days, and no clerk, officer or person shall receive any other or further sum for work performed at any such election or on the board of registration.

Compensation
of council in
certain cases.

Proviso.

SEC. 110. The common council shall have authority to lay down and maintain pavements of any street or streets of said city, and to levy and collect, as hereinafter mentioned, by taxation, such sums of money as may be necessary to pay the cost of the same, which taxes shall be specific, and have no reference to or be limited by the general taxation otherwise provided for by the charter of said city, and said specific taxation shall be assessed at such times and for such amounts, and only against such real estate as is by this section made chargeable therewith as follows:

Authority to
pave streets, etc.

First, When the council shall have determined to lay down and maintain pavements of any street or streets of said city, they shall so declare by resolution, stating what part or proportion of the expense thereof shall be paid by such special assessment and what part, if any, must be paid from the general funds of the city, and shall designate the district or lands on which the special assessment shall be levied;

Duty of council
as to paving
streets.

Second, Before ordering any pavement to be constructed upon any street or streets of the said city, the council shall cause estimate of the expense thereof to be procured, and also plats and diagrams, when practicable, of the locality where such pavement or pavements are to be constructed, and deposit the same with the city clerk for public examination, and they shall give notice thereof by publication thereof at least two consecutive weeks in two of the newspapers of the city, and of the time when the council will meet and consider any objections thereto: *Provided, however*, That the aggregate of said special assessment shall not exceed five per cent of the equalized valuation of the property to be assessed.

Estimates, plats,
etc., to be
made.

Proviso.

Third, The cost and expense for any pavement which is to be defrayed out of the general fund of said city shall include the cost for surveys, plans and estimates for the same;

Costs of, what
to include.

Fourth, Such special assessment shall be made *pro rata* upon the lots and premises in such pavement district according to the frontage and benefits, and the council shall, by resolution, set forth and state the amount to be assessed, and the per cent to be assessed for each lineal foot of frontage extending to the middle of the street, and the per cent according to the benefits upon the equalized valuation, and the per cent to be charged to the city at large;

Assessment to
be made, *pro*
rata.

Fifth, The common council shall cause to be made by a committee appointed for that purpose a special assessment roll,

A special assess-
ment rolls.

entering and describing therein all the lots, premises and parcels of land to be assessed and the valuation thereof, with the names of the persons, if known, chargeable with the assessment thereon, and shall levy thereon and against such persons the amount to be assessed and the manner directed by the common council and the provisions of this act, which assessment roll shall also show the amount and per cent chargeable to the city at large;

To be filed with clerk, etc.

Sixth, Such special assessment when made shall be filed in the office of the city clerk and numbered, and before adopting the assessment shall cause notice to be published for at least two consecutive weeks in some newspaper in the city, of the filing of the same with the city clerk, and appointing the time when the council will meet to review the assessment. Any person objecting to the assessment may file his objection thereto in writing with the city clerk;

Review of assessment.

Seventh, At the time appointed for that purpose as aforesaid, the council shall meet and there, or at some adjourned meeting, review the assessment, and the council shall correct the same if necessary, and confirm it as made or as corrected, or may annul it and direct a new assessment to be made, in which case the same proceedings shall be had as in respect to previous assessments. When a special assessment shall be confirmed the city clerk shall indorse the certificate upon the roll showing the date of confirmation; and when confirmed, such assessment shall be final and conclusive, but no such assessment shall be confirmed except by concurrence of two-thirds of all the aldermen elect;

Lien upon property.

Eighth, All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels assessed and shall be a charge against the persons to whom assessed until paid, and shall be due and payable at the same time that the city taxes are due and payable;

Clerk to report to supervisor.

Ninth, Whenever any special assessment shall be confirmed the council shall direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll with the amount of assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring the said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisors shall levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed and against the persons chargeable therewith as a tax in the ward roll next thereafter to be made in a column for special assessments and thereupon the amount so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll in the same manner, and shall continue to be lien upon the premises assessed until paid, and when collected shall be paid into the city treasury. The city collector shall be authorized by warrant under the hand of the supervisor to

Supervisor to levy tax, etc.

enforce the collection of said special assessment in the same manner in every respect as provided in this charter for the enforcement of other city taxes, and the moneys so paid upon said special assessment shall be kept in a special fund to be designated a special assessment fund;

Tenth, At any time after such special assessment has become payable and demand made therefor, and ten days have elapsed without payment thereof, the same may be collected by suit in the name of the city against the person assessed in an action of assumpsit in any court having jurisdiction of the amount. And every such action, declaration upon the common counts shall be sufficient. The special assessment roll and a certified order of the resolution concerning the same shall be *prima facie* evidence of the regularity of all the proceedings making the assessment and the right of the city to recover judgment therefor;

May be collected by suit.

Prima facie evidence.

Eleventh, If in any such action it shall appear by reason of any irregularity or informality that the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may, nevertheless, upon satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant or of the lot or premises in question render judgment for the amount properly chargeable against said defendant or against said lot or premises;

Not void for irregularity.

Twelfth, That when any street shall have been once so paved and any parcel of real estate shall have been taxed therefor, such parcel shall thereafter not be liable for any portion of the expense of keeping said pavement in repair, but the expense of keeping said pavement in repair shall be met out of the general fund of said city: *Provided*, That when any land has been once taxed for the laying down of new pavement of the street or streets upon which it may front, then and thereafter for a new repaving of said street or streets said land shall be liable to be again taxed to the extent of only one-half of the cost of such repavement; but when the common council shall have determined to pave any street or streets the expense of establishing and preparing the grade thereof for such paving, and for curbstones between the paved portions of such streets and the sidewalks thereof, and for the paving of crossings of any such street or streets shall be at the general expense of the city.

Repairs to be made out of general fund.

Proviso as to re-paving, etc.

SEC. 114. The common council shall have the power in the name of the city of Ionia to remove all encroachments upon any street or streets of said city, and the proceedings for such removal shall be conducted as near as may be as is prescribed in the general laws of this State for the removal of encroachments upon highways, except that all notices served and suits commenced shall be in the name of the city of Ionia; and in case of judgment the amount of penalties for such encroachment shall be the same as is provided for in the general law of this State.

Power to remove encroachments.

Compensation
of mayor and
aldermen, etc.

SEC. 115. The mayor and aldermen of said city shall receive one dollar each for every meeting of the common council upon which said alderman or mayor actually [attended], attend whether said meeting be regular, special or an adjourned meeting; but the whole number of such meetings for which said mayor and aldermen shall be entitled to the money aforesaid for actual attendance shall not exceed thirty dollars in any one year, and all members of committees when actually engaged in work for the city shall receive therefor the sum of one dollar per day, and fifty cents for each half day, which bills for such service shall be certified by the chairman of the respective committees as being correct.

Ordered to take immediate effect.

Approved March 27, 1891.

[No. 247.]

AN ACT to authorize the common council of the city of Iron Mountain, in the county of Menominee, by ordinance, to enter into a thirty year contract with any water-works company organized under the laws of this State, for a supply of water for fire and other city purposes.

Power to
contract for
water-works.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Iron Mountain, in the county of Menominee, shall have power, by ordinance, to enter into a thirty year contract with any water-works company organized under the laws of this State, for a supply of water for fire and other city purposes.

Ordered to take immediate effect.

Approved March 26, 1891.

[No. 248.]

AN ACT to re-incorporate the village of Farwell, in the county of Clare, and to repeal all acts inconsistent therewith.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described lands situated in the township of Surrey, county of Clare, and described as follows, to wit: The west half, and the west half of the east half of section twenty-five, and the east half of section twenty-six, town seventeen north, of range five west, be and the same is hereby re-incorporated as a village under the name of the village of Farwell.

Present officers
to continue.

SEC. 2. The present officers of said village shall continue in office with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected and

qualified in accordance with the provisions of this act and the general law relating to the incorporation of villages.

SEC. 3. All ordinances and resolutions of said village of Farwell in force at the time this act takes effect, shall continue in full force and effect until repealed by the council of said village. Ordinances to continue in force.

SEC. 4. The first election of officers under the provisions of this act shall be held on the fourth Monday in April, in the year one thousand eight hundred and ninety-one, and such election shall be held at the township hall in said village and conducted in all respects as provided for in the general act for the incorporation of villages. And the legal voters of said village shall be registered as provided for by law in relation to the registration of voters by said general act. Said registration shall be held at the township hall in said village on the Saturday previous to the fourth Monday of April, A. D. 1891. Notice of the time and place of holding said election, and of the officers to be elected, and the time and place of the meeting of the board of registration for said election, shall be given by the village clerk of the present village at least eight days before such first election by posting notices in three public places in said village. First election. Registration. Notice of election.

SEC. 5. Said village of Farwell is hereby made subject to the general law, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, with the amendments thereto. Said village shall possess all the powers and be subject to all the duties and liabilities imposed by said act. Subject to general law.

SEC. 6. The village as re-incorporated shall possess all the property and rights, and be subject to all the liabilities and obligations of the village as heretofore incorporated. Village to possess all rights, etc., subject to general act.

SEC. 7. In case the said officers are not elected at the time designated in section four of this act, an election for officers may be had at any time within one year from the time designated in said section four, on notice being given as provided in this act. Election at time other than time specified.

SEC. 8. All acts heretofore passed relative to the incorporation of the village of Farwell are hereby repealed. Acts repealed.

Ordered to take immediate effect.

Approved March 26, 1891.

[No. 249.]

AN ACT to amend and revise the charter of the city of Marquette, Marquette county.

SECTION 1. *The People of the State of Michigan enact*, Body corporate. That an act entitled "An act to incorporate the city of Marquette," approved February twenty-seventh, one thousand eight hundred and seventy-one, and the acts amendatory thereof, be revised and amended so as to read as follows:

CHAPTER I.

OF THE CORPORATION.

Body corporate. SECTION 1. The corporation heretofore created and now known as the city of Marquette, shall be and continue to be a body politic and corporate under the name and style of the city of Marquette, and by that name may sue and be sued both in courts of law and of equity, may have a common seal and alter the same at pleasure, may take, hold, purchase, have, convey and dispose of any real or personal estate for the use of the corporation, and in addition to such powers of a local legislative and administrative character as are conferred by this act, may exercise and enjoy such implied and incidental powers and rights as are possessed by municipal corporations in this State.

Subject to general law.

Territory incorporated.

SEC. 2. The territory embraced in and constituting said city, shall be fractional section one, the east half and the east half of the west half of fractional section two, the east half and the east half of the west half of fractional section eleven, fractional sections thirteen and fourteen, sections fifteen and twenty-two, the northeast quarter of the northeast quarter of section twenty-one, fractional sections twenty-three, twenty-four and twenty-six, sections twenty-seven, thirty-four, thirty-five and fractional section thirty-six in township forty-eight north, of range twenty-five west.

CHAPTER II.

WARDS.

First ward. SECTION 1. The said city shall be divided into eight wards, as follows: The first ward shall embrace all that portion of said city lying south of a line drawn from the shore of Lake Superior westwardly along the center of Fisher street to the western boundary of said city; the second ward shall embrace all that portion of said city lying between last mentioned line and a line drawn from said lake shore westwardly along the line of the Duluth, South Shore and Atlantic railroad, from said railroad company's merchandise pier to the center of fifth street and thence southwardly along the center of said fifth street to the center of Fisher street; the third ward shall embrace all that portion of said city lying north of said line of said railroad and east of the center of Front street from said railroad track to the center of Hewitt avenue; the fourth ward shall embrace all that portion of said city lying between said railroad track and Ridge street and between Front street and Fifth street; the fifth ward shall embrace all that portion of said city lying between Ridge street on the north and Fisher street on the south and extending westwardly from Fifth street to the western boundary of said city, including the northeast quarter of the northeast quarter of section twenty-one; the sixth ward

Second ward.

Third ward.

Fourth ward.

Fifth ward.

Sixth ward.

shall embrace all that portion of said city lying between Ridge street and Hewitt avenue and west of front street, to the east line of section twenty-one; the seventh ward shall embrace all that portion of said city lying north of Hewitt avenue and west of the following line, viz.: Along Front street to Fair avenue, thence west on Fair avenue to the west eighth line of section fourteen, thence north on said eighth line to the boundary of said city; the eighth ward shall embrace all that portion of said city lying north of Hewitt avenue and east of the last described line.

Seventh ward.

Eighth ward.

CHAPTER III.

ELECTORS AND REGISTRATION.

SECTION 1. The inhabitants of the city, having the qualifications of electors under the constitution of the State, and no others, shall be electors therein.

Electors.

SEC. 2. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election. The residence of any elector, not being a householder, nor member of a householder's family, shall be deemed to be in the ward in which he regularly lodges.

Residence.

SEC. 3. The aldermen of each ward shall constitute the board of registration therein. If there shall not be any or a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, or if any aldermen shall fail to attend the meetings of such board, the mayor shall appoint suitable persons to fill such vacancies or to constitute a board of registration for the ward as the case may be, or should the mayor fail to appoint the [alderman] aldermen may appoint as above provided.

Board of registration.

SEC. 4. Except as in this act it is otherwise provided the general law of the State shall govern as to all matters relating to the registration of electors: *Provided*, That it shall be necessary to serve only three days' notice of registration and [of] the place of holding the same in all wards at the present spring election to be held April sixth, one thousand eight hundred and ninety-one, but on all other elections thereafter the notice shall be as otherwise provided in the statute.

General law to govern.

Provide.

CHAPTER IV.

OFFICERS.

SECTION 1. The following officers of the corporation shall be elected by the qualified electors of the whole city voting in their respective wards, viz.: One mayor, one treasurer and three justices of the peace; also two constables. There shall also be elected on a ward ticket, by the qualified electors of each ward, two aldermen and one supervisor.

Elective officers.

SEC. 2. The following officers shall be appointed by the mayor and confirmed by the common council on or before the

Appointive officers.

first Monday of May in each year, viz.: One marshal, who shall be chief of police, and who shall hold his office during good behavior or at the pleasure of the common council, and who shall appoint so many policemen and nightwatchmen as the common council may direct and confirm; one director of the poor, who shall possess all the powers of a director or overseer of the poor of townships under the laws of this State, one assessor, one city attorney, one recorder, who shall be clerk of the common council, and one or more firewardens for the city, a president *pro tempore*, who shall preside at all meetings of the common council in the absence of the mayor, sealers of weights and measures, and such other officers as may be necessary to carry into effect the powers herein granted and as the common council may from time to time direct.

Eligibility to office.

SEC. 3. No person shall be eligible to either of said offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any such office of any ward unless he shall then be an elector and resident of such ward; and when any officer elected or appointed for the city shall cease to reside in said city, or if elected or appointed for any ward shall cease to reside in such ward, his office shall thereby become vacant.

Present officers to continue.

SEC. 4. All of the officers of the city of Marquette, residing and holding office therein at the time this act shall take effect shall hold their respective offices for the term for which they were elected the same as though this act had not been passed.

Terms of office.

SEC. 5. The mayor, treasurer, constables, and supervisors shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their office.

Justices of the peace.

SEC. 6. The justices of the peace shall hold their offices for the term of four years from the fourth day of July next after their election.

Aldermen.

SEC. 7. The [aldermen] alderman shall hold their offices for the term of two years from the first Monday in April in the year when elected, and until their successors are qualified and enter upon the duties of their offices.

Justices of the peace, when elected.

SEC. 8. At the annual election to be held in said city on the first Monday in April, in the year of our Lord one thousand eight hundred and ninety-one, and every four years thereafter, there shall be elected at said election and at each annual election thereafter there shall be elected such number of justices of the peace as shall be necessary to fill the vacancies then existing or to arise within the ensuing year by the expiration of the term for which the incumbents were elected.

CHAPTER V.

ELECTIONS.

Annual election.

SECTION 1. The annual city elections shall be held on the first Monday of April in each year, at such places in each of the

several wards as the common council shall designate, notice of which shall be given by the recorder at least ten days before the election, by posting the same in three places in such wards, or by publishing the same in some newspaper printed in said city. The [aldermen] alderman of each ward shall be inspectors of such elections, and they shall be inspectors of the State, district, county and all other elections, and they shall appoint two suitable persons to act as clerks thereof, and in case of the absence of one or both of such inspectors, the electors may choose, *viva [voce] voice*, from their number, one or more to fill such vacancies, to whom, as well as to the clerks appointed as aforesaid, shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace or notary public. At such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their ward, which certificate shall be immediately filed in the office of the recorder of said city. Upon the Thursday next following the day of said election, the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election. Each of said officers so elected and notified, except justices of the peace shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to said recorder, who shall file the same in his office: *Provided*, That in the case of the election of any one or more justices of the peace the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk, in the same manner as is required of [township] townships clerks. The treasurer and marshal shall, before entering upon the discharge of their duties, give such security to the common council as it shall direct; and in case any of the officers so elected shall neglect for the term of ten days to qualify as aforesaid, or to give security, the office shall thereby become vacant.

SEC. 2. The board of election in each ward, at elections held therein, shall possess all the powers not inconsistent with this act that boards of election in townships possess under and in pursuance of the laws of this State, and in all matters not otherwise provided for in this act, the laws of this State applicable to the holding of township meetings shall apply to the holding of annual elections held under this act, and all the laws of this State not inconsistent with this act, applicable to the holding of general elections in the townships of this State, shall apply to the holding of general elections in the several wards of said city. The common council of said city shall provide suitable boxes for each ward with locks and keys to be used as ballot boxes in such ward.

Notice of.

Inspectors of election.

Inspectors to make certificate.

Council to determine result.

Oath of office.

Proviso.

Treasurer and marshal to give bonds.

Powers of board of election.

General laws to apply.

Ballot boxes.

Who deemed
elected.

If notice has
not been given.

Proviso.

SEC. 3. The person receiving the greatest number of votes for any office in said city or ward shall be deemed duly elected to such office, and if any officers shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the inspectors of election in case of ward officers, and the common council in case of "city" officers, shall determine by lot which of the several persons so receiving the highest number of votes shall be declared elected. If notice of any election shall not be given as herein required it shall be lawful for the electors to meet at the proper time and at the place of the last election, and hold the election, and may thence adjourn if necessary to some other place, as in township elections, and in case of the non-attendance or neglect of the proper officers to act, the electors present may, *viva [voce] voice*, [choose] chose inspectors to act in their places: *Provided*, That if any election of officers under this act shall not be held on the day provided for by this act, [the] said corporation shall not, for that cause, be dissolved, but it shall be lawful to hold such [election] elections at any time thereafter, public notice thereof being given as provided in this act for special elections, and the incumbents of the several offices at the time when such election should have been held, shall continue to hold their respective offices until their successors are so elected and have qualified.

CHAPTER VI.

VACANCIES IN OFFICE, WHEN THEY EXIST, HOW FILLED, ETC.

Offices, what
vacates.

Proviso.

Vacancies filled
by appointment

SECTION 1. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office: The death of the incumbent, his resignation, his removal from office, his ceasing to be an inhabitant of the city or ward for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged, his conviction of any infamous crime, or of any offense involving the violation of his oath of office, the decision of a competent tribunal declaring void his election or appointment, or his refusal or neglect to take his oath of office, or to give or render any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided*, That in case any vacancy shall occur in the office of any justice of the peace in said city by the operation of this act, the recorder shall immediately transmit to the county clerk of said county a notice in writing, officially signed by him, informing the county clerk that the office of such justice of the peace is vacant.

SEC. 2. When any such vacancies occur in any of the offices which are appointed by the mayor and confirmed by the common council either by death, resignation, removal of the incumbent, or otherwise, such vacancy may be filled by appointment for the remainder of the unexpired term for which said officer was appointed, in the manner herein provided for such offices.

SEC. 3. Whenever a vacancy occurs in the office of alderman, the common council of said city shall immediately appoint a special election to be held in the ward for which said officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in said office of alderman within three months before the first Monday of April of any year, it shall be optional with the common council to order a special election or not, as they deem expedient.

Of aldermen,
by special
election.

Proviso.

SEC. 4. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman and justice of the peace, the mayor by and with the consent of the common council may, in his discretion, fill such vacancy by the appointment of a suitable person who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy shall hold by virtue of such appointment until his successor is elected or appointed, as the case may be, and qualified.

Certain vacancy,
how filled.

SEC. 5. Whenever a special election is to be held, the common council shall direct the recorder to give notice of the time and place of holding such election, in the same manner as is herein required for giving notice of annual elections and the proceedings of such special election shall be the same, as near as may be, as the annual city election.

Special election,
notice of.

CHAPTER VII.

OF THE POWERS OF THE COMMON COUNCIL.

SECTION. 1. The mayor and aldermen, when assembled together and organized, shall constitute the common council of the city of Marquette, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time; and the common council may be summoned to hold their meetings at such time as the mayor, or in case of his absence or inability to act, the president *pro tempore*, may appoint, at such place as shall have been designated as council room by the common council. The common council shall have power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. In case of the absence of the mayor and president *pro tempore* at any such meeting, the members present may appoint some one of their members to preside. Each member of the common council shall be entitled to one vote, except the mayor, who shall only be entitled to vote when there is a tie vote in the common council. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances,

Common
council.

Quorum.

May compel
attendance
of members.

Additional
powers, etc.

Vice and
immorality,
etc.

Disorderly
houses, etc.

Of liquors,
auctions, etc.

Sports, exhi-
bitions, etc.

Nuisances.

Slaughter-houses.

Explosive
materials.

Encumbering
streets.

rights and interests, buildings, and all property, real and personal, belonging to the city, and may dispose of the same, and make such rules and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said city to enact, continue, establish, enforce, annul, amend, and repeal such ordinances, by-laws, rules and regulations as they may deem desirable for the following purposes;

First, To prevent vice and immorality; to preserve public peace and good order; to organize, maintain and regulate a police of the city when necessary, and to define the powers and duties of such police or any police officers; to prevent and quell riots, disturbances, and disorderly assemblies;

Second, To prevent and restrain disorderly and gaming houses, and houses of ill-fame; to prevent the exhibition or use of any and all instruments and devices used in gaming, and to prohibit all gaming and fraudulent devices, and restrain and prohibit all billiard tables kept for gaming purposes;

Third, To forbid and prevent the vending, giving away, or other disposition of liquors and intoxicating drinks to any drunkard, minor, or other persons in the habit of getting intoxicated, to prohibit the opening of any drinking saloon, bar, or place where intoxicating drinks are or may be kept, billiard rooms, ten-pin alley, or place of public recreation or amusement on the first day of the week commonly called Sunday; and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and fix the fees to be paid by and to auctioneers;

Fourth, To prohibit, restrain, license and regulate all sports, [exhibition] exhibitions of natural or artificial curiosities, caravans or animals, theatrical exhibitions, circuses or other public performances or exhibition for money;

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewers or other offensive or unwholesome house or place, to [cleanse] clean, purify, remove or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Sixth, To direct or prohibit the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible or explosive materials or substances within the limits of said city;

Seventh, Concerning the buying, carrying, selling and using of gunpowder or other combustible or explosive materials, and the exhibition of fire-works, the use of lights in barns, stables, and other buildings, and to regulate or prohibit the discharge of fire-arms within the limits of the city, or making of bonfires in the streets or yards;

Eighth, To prevent the encumbering of streets, sidewalks, cross-walks, [lanes] lands, alleys, bridges, or other public places in any manner whatever;

Ninth, To prevent and punish horse-racing and immoderate driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said city; Fast driving.

Tenth, To determine and designate the routes and grades of any railroad to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city, and to compel the use of such precaution against accident at street [crossings] crossing upon such railroads as they may deem necessary; Grades of railroads, etc.

Eleventh, To provide for and preserve the purity and salubrity of the waters of Marquette harbor, and the streams emptying therein; to prohibit and prevent the depositing therein of all filth and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of said harbor; to prohibit and prevent the depositing or keeping therein any structure, earth or substance, tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels and laying out of cargoes and ballast for the same. The harbor of the city of Marquette is hereby defined and declared to be embraced within the following limits, viz.: Salubrity of waters.
Commencing at a point on the shore of Lake Superior where the southern boundary of said city strikes the shore, thence eastwardly two thousand feet on the line of said southern boundary extending to that distance from said shore, thence northerly to a point on the line of the northern boundary of said city extended eastwardly two thousand feet from said shore, thence westwardly on said last mentioned line to the shore of Lake Superior, thence southerly along the line of said shore to the place of beginning; and any offense committed against the laws and ordinances of the city of Marquette, within said limits, shall be deemed and considered as having been committed within the limits of the city of Marquette; Limits of harbor defined.

Twelfth, To restrain and punish drunkards, vagrants, street beggars and all disorderly persons or keepers of gaming or disorderly houses or other house in which drunkards or boisterous persons are allowed to congregate and disturb the peace, or in which any crime or misdemeanor shall be committed by the knowledge or consent of the occupant of such house; Vagrants, etc.

Thirteenth, To establish, maintain and regulate one or more pounds in said city, and to prohibit, restrain, or regulate the running at large of horses, cattle, sheep, swine, and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding, and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese or poultry therein impounded, as they may deem necessary, or as may be advisable, for the purpose of Pounds.

perfecting the title of any property sold in conformity with any ordinance or by-law, and for preserving the evidence and declaring the legal effect of any and all evidence of any such sale or sales, and no court other than the circuit court for the county of Marquette, or the courts held in said city, shall have any jurisdiction of any action of replevin or any other action against any pound-master of said city, for or on account of any animal or animals, geese, or poultry impounded, or for or on account of any act done by any such pound-master in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said city;

Dogs. *Fourteenth,* To prevent or regulate the running at large of dogs, to impose taxes on the owner of dogs, and to prevent dog fights in the streets;

Dead carcasses. *Fifteenth,* To prohibit any person from bringing or depositing within the limits of said city, any dead carcass or other unwholesome or offensive substances, to require the removal or destruction thereof, if any person shall have [on] or his or her premises, such substances, or any putrid meats, fish, hides or skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the city, and to provide for ascertaining the expenses thereof, and collecting the same from the persons in default;

Cleaning sidewalks. *Sixteenth,* To compel all persons in such part or parts of the city as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions; but the city shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, dirt, wood, or other obstructions;

Ringling bells, etc. *Seventeenth,* To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Prescribe duties of officers. *Eighteenth,* To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies;

Cemeteries. *Nineteenth,* To purchase suitable grounds for a cemetery; survey and divide the same in such form and manner as they may deem proper; fix and determine the price of burial lots; sell and convey the same; ornament, fence, and improve such cemetery, or any burial ground now in the city and enlarge the same, regulate the burial of the dead; preserve tombstones and monuments, and exercise a general control over all burial places in said city; and all burial grounds now belonging to the township of Marquette, and located within said city, shall vest in and belong to said city for burial purposes; to purchase and hold for the city suitable grounds for one or more public parks, improve and ornament the same, make suitable regulations for their use, and provide for the proper care of the same, and appoint a suitable person as park commissioner, whose duty it shall be to take charge of the same, under such rules and regulations as the council shall provide;

Twentieth, To provide for the lighting of streets and alleys Street lighting. and the protection of the public lamps;

Twenty-first, To establish, order and regulate the markets; Markets, etc. to regulate the vending of wood, hay, meat, vegetables, fruits and provisions of all kinds and prescribe the time and place of selling the same and the fees to be paid by the butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided,* Provide. That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Twenty-second, To regulate and establish the line upon Street line. which buildings may be erected upon any street, land or alley in said city, and to compel such building to be erected upon such line, by a fine upon the owner thereof, not exceeding five hundred dollars for each offense;

Twenty-third, To establish fire districts, within which no Fire limits. wooden building, except such as shall be authorized by the common council, shall be removed, built, repaired, enlarged, placed or allowed to stand or remain;

Twenty-fourth, To prescribe the duties of all officers Duties, etc., of appointive officers. appointed by the mayor, and their compensation, and the penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided by law;

Twenty-fifth, To license hawkers, peddlers and pawnbrokers, Licenses. and hawking and peddling; and to regulate or license the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways or in or upon the wharfs, docks, open places or spaces, public grounds or buildings in the city, or from boats in the harbor;

Twenty-sixth, To license and regulate [wharf-boats] wharfs- Wharf-boats, etc. boats and to regulate the use of tugs and other boats as used in and about the harbor and within the jurisdiction of the city;

Twenty-seventh, To regulate and license all taverns and Taverns, etc. houses of public entertainment, all saloons, restaurants and eating-houses;

Twenty-eighth, To provide for and regulate the inspection of Inspection of meats, etc. meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions;

Twenty-ninth, To regulate the inspection, weighing and Inspection of brick, etc. measuring of brick, lumber, fire-wood, coal, hay and other articles of merchandise;

Thirtieth, To provide for the inspection and sealing of Weights and measures. weights and measures and to prescribe the penalty for using false weights and measures;

Thirty-first, To direct and regulate the construction of cel- Of cellars, drains, etc. lars, slips, barns, private drain, sinks [and] privies; and to com-

pel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;

Vehicles, etc.

Thirty-second, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city, also all solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; and to prescribe and designate the stands of carriages of all kinds which carry persons for hire, and carts and carters and to prescribe the rates of fare and charges;

Census.

Thirty-third, To provide for taking the census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;

Shade trees.

Thirty-fourth, To regulate and require the setting of shade trees in the streets of said city, and provide for the preservation of the same: *Provided,* That until the common council or street commissioner shall determine the distance trees shall be set from the margin of any street or highway, the same may be set at not less than six nor more than ten feet from the margin thereof;

Ordinances, etc.

Thirty-fifth, The common council shall have authority to enact all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges, or permits shall be granted by the council to any person or persons or to any corporation for any purpose whatever;

Penalties.

Thirty-sixth, For the purpose of carrying into effect the powers conferred by this act, the common council shall have power to prescribe, in any by-law or ordinance made by them, that the persons offending against the same shall forfeit and pay such fine as they may deem proper, not exceeding one hundred dollars, or by imprisonment in the county jail, or in the city jail, for a term not exceeding three months, except as herein otherwise expressly provided, or both such fine and imprisonment in the discretion of the recorder or justice who shall try the offender.

Licenses, how granted.

SEC. 3. The council may prescribe the terms and conditions upon which license may be granted, and may exact and require payment of such sum for any license as they may deem proper.

Terms of license.

SEC. 4. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable. And the common council may provide for punishment by fine or imprisonment, or both, of any person, who, without license, shall exercise any occupation, or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 5. All sums received for licenses granted for any pur-

pose by the city or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

License money
to be paid into
treasury.

SEC. 6. The common council may ascertain, establish and settle the boundaries of all streets and alleys in the said city, and prevent and remove all encroachments thereon, and exercise all other powers conferred on them by this act in relation to highways, the levying of taxes, and all other subjects of municipal regulation not herein expressly provided.

Boundaries of
streets, etc.

SEC. 7. The common council shall have power to assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money, provided for the payment of the debt and expenses of the city and make regulations concerning the same; to employ all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act or any ordinance of the common council, in any jail, work-house or prison, at work or labor either within or without the same, or upon any street or public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The common council shall have power to make all such other by-laws, ordinances and regulations as they may deem necessary for the [good] government of said city.

Additional
powers of
council.

SEC. 8. The common council shall have the power to direct sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to be built in any part of said city; to establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, avenues, lanes, alleys and public grounds, or spaces within said city, and to grade, pave, repair and otherwise improve the highways, streets, avenues, lanes, alleys or interior public spaces, created by the intersection of streets; also cross-walks and sidewalks in said city, with stone, wood, brick and other material, and whenever necessary for those purposes to condemn private property as hereinafter provided; and the common council shall have full power and authority to provide for paying all the costs and expenses thereof by assessment upon the property benefited thereby, in the manner hereinafter provided, which assessment shall be a lien until paid on the lots or premises on which the same are assessed, and shall be collected as hereinafter provided.

Power to direct
sewers, etc.

SEC. 9. The common council shall also have full power to require by resolution or ordinance, the owners or occupants of lands at their own expense, to repair, construct, make, pave, plank or gravel and curb and rail all sidewalks adjoining said land, after the same shall have been properly graded, within such reasonable time as they may direct, notice of which action shall be given to the [owners] owner or occupants of such lands in such manner as they shall direct; and if the same are not completed within the time so ordered, it shall be lawful

Power to require
owners to repair
walks, etc.

for the common council to cause the same to be constructed forthwith, and to assess the expense thereof upon the premises in front of which the same are constructed.

Repairs of
sidewalks, etc.

SEC. 10. The common council may provide for the immediate repair of cross-walks and sidewalks, and for collecting the cost or expense thereof in such manner as they may deem proper, subject to the restrictions herein contained, and they may determine the time and manner of assessing and collecting all highway taxes and all other taxes, except as herein otherwise provided, and they may enact such general by-laws or ordinances in relation to the assessing and collecting of all such taxes not inconsistent with the constitution of this State or of the United States, as they may deem just and proper; and all by-laws or ordinances, rules or regulations adopted by the common council, by or in pursuance of any of the powers conferred upon them in this act, shall be binding upon all courts and in all places whatsoever.

Record of pub-
lic highways.

SEC. 11. It shall be the duty of the common council to cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, and recorded in the office the recorder of said city, in the book of street records; and the record of such highways, streets, lanes, or public grounds so ascertained and described, or which shall hereafter be laid out and established by the said common council and recorded in the book of street records, in the office of the clerk, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley, or public ground therein described.

To audit
accounts of
treasurer, etc.

Detailed
statement.

SEC. 12. On the second Tuesday in the month of March in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessments for opening, paving, planking, repairing and altering streets, and building and repairing bridges; the amount borrowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial [concerns] condition of said city.

Statement to
be published.

SEC. 13. The said statement shall be signed by the mayor and recorder and filed with the papers of the city; and the same shall be published at the expense of the city, in some

newspaper to be designated by the common council, previous to the third Tuesday of March next thereafter.

SEC. 14. The style of all ordinances shall be, "It is Style of. hereby ordained by the common council of the city of Marquette." The sittings of the common council shall be public, and full minutes of the proceedings, together with all ordinances, by-laws, and regulations adopted, shall be published within ten days after such sittings, in at least one newspaper [printed] published in said city.

SEC. 15. To enable the common council to build or repair bridges, and fully and effectually carry out and perform any and all powers conferred upon them by this act, they may borrow money for municipal improvements or for the general purposes of the city, at a rate of interest not exceeding seven per cent per annum, and issue the bonds of the city therefor, signed by the mayor and recorder; but no money shall be borrowed for a longer period than ten years, nor shall the amount of money thus borrowed exceed the sum of ten thousand dollars in a single year; and if the common council shall deem it necessary to borrow more money for municipal purposes or improvements, or for the purchase of property for municipal purposes than is above provided for, the question of raising such loan shall be submitted to the qualified electors of said city, at some annual or special election called for that purpose, and if a majority of such electors voting at such election shall be in favor of such loan [the common council may proceed to make such loan], and issue the bonds of the city therefor, as above provided; but before any loan of money shall be authorized by a vote of such electors of said city, written or printed notices shall be posted by the recorder in at least two public places in each ward for sixty days, and cause notice to be published in some newspaper printed in said city for the same period, specifying the object or objects for which money is proposed to be borrowed. The common council may provide by ordinance the manner of voting upon any question of borrowing money, but the votes shall be canvassed and the result certified and determined in the same manner as the result of other votes are canvassed by the provision of this act: *Pro-* May borrow money. Limit of time and amount of loan. In case more is needed. Question of loan to be submitted to electors. Notice to be given. Proviso. Bonds. *vided*, That the total indebtedness of the city for borrowed money shall never exceed in amount a sum equal to five per cent of the aggregate of the last annual assessment roll of the taxable property in said city.

SEC. 16. Whenever any money shall be borrowed by the common council by authority from the electors of said city, the bonds shall be signed by the mayor and recorder; and all deeds of land sold by the common council shall be executed by the mayor and recorder, and, when duly acknowledged by them, may be recorded as other conveyances, and with like effect.

SEC. 17. No ordinance of the common council imposing a fine or imprisonment shall take effect until the same shall be published in some newspaper printed and published and circulated in said city for two successive weeks: *Provided*, That all ordi- Certain ordinances to be published.

Proviso.	nances in force in said city at the passage of this act, and not inconsistent herewith, shall be and remain in full force until amended or repealed by the common council.
How proved.	SEC. 18. All by-laws, regulations, resolutions and ordinances may be proved in the manner provided by an act, entitled "An act to provide for proving the by-laws, ordinances and resolutions of incorporated cities and villages in certain cases," approved March eighteenth, in the year of our Lord one thousand eight hundred and sixty-five, being section 7527 of Howell's Statutes.
Injury to property, etc.	SEC. 19. The common council may prevent and punish the riding or driving of any beast or team upon any sidewalk, or the doing of any act injurious or dangerous to any of the property of said city, or of the property of any of the inhabitants thereof, or which shall be dangerous to the life or health of any of the inhabitants of said city, and whenever by this act the common council are given any power, they may adopt by-laws or ordinances, rules and regulations, relative thereto.
Fiscal year.	SEC. 20. The fiscal year of said city shall begin on the second Tuesday in March.

CHAPTER VIII.

APPROPRIATION OF PRIVATE PROPERTY.

May take private property without consent of owner.

SECTION 1. Private property may be appropriated for public use, for the purpose of opening, widening, altering, and extending streets, alleys and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places and spaces; for public wharves, docks, slips, basins and landings on navigable waters; and for the improvement of water-courses; for sewers, drains and ditches; for water-works and [for] necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same and the just compensation to be made therefor shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement, requiring the taking of private property, be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Proceedings to take property.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property, not acquired by purchase, they shall so declare by resolution describing the proposed improvement and each parcel of land designed to be taken, by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall in the same resolution, designate a justice of the peace of the city to whom an application will be made at a time therein to be stated, for the empaneling of a jury, to ascertain the necessity of using said land, and the just compensation to be made therefor.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making [said] such application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city. The first publication of which shall be at least thirty days before the time fixed for the application. And a copy of said notice and resolution shall be served personally by the city marshal or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if he is to be found within the city or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the sheriff or city marshal of the service, or posting of copies of said notice and resolution, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution shall be filed with the said justice before or at the time of making said application, and after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

Certified copy to
be filed with
justice, etc.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the [proceedings] proceeding shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city, competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands, shall strike off six names, or upon their failing to do so, the justice shall strike off such names for him or [them] her, and thereupon the said justice shall issue a *venire* directed to the city marshal or sheriff of the county, to summon the twelve persons whose names remain upon said list to appear before said justice at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution, and shall then adjourn the further proceedings in the matter to the return day of said *venire*; said *venire* shall be served by the city marshal or sheriff as in other cases of *venire*. Said jurors shall be liable for non-attendance, the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

SEC. 5. At the time of making the application to the justice

Infant, etc., to be represented by guardian.

for the impaneling of the jury, and at all subsequent proceedings, [any] and infant or incompetent person may be presented by his or [her] his guardian appointed under the laws of this State, but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem* to protect the interest of the person for whom he is so appointed.

Of talesmen.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city until a panel of twelve qualified jurors shall be obtained. Each party and every person having an interest in any of the lands shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel of several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken to determine and award to each person entitled thereto, the just compensation to be allowed for his or her interest in the land so taken.

Jury to have copy of resolution, etc.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands, and any person claiming an interest in any of the lands [land] sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Jury to examine premises.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties.

To consider each parcel separately.

SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the council, separately; if they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award, as damages and compensation, such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or

parcel of land as owners, mortgagees, lessees or otherwise, they shall apportion to each, such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

SEC. 10. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to [take] make for the purpose of said improvement and state the whole amount of damages occasioned by taking the same, [the] they amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor, the name of the owner and of any persons having separate claims thereon, [by] mortgage, lease or otherwise, to whom said damages are awarded and the amount awarded to each, and the date and description of any mortgage, lease or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land; they shall report the lands, if any, as to which they [fail] shall to agree; said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury.

Jury to report in writing.

SEC. 11. The city attorney shall give such assistance to the jury in making up their report, as they may require. The justice shall enter said report, and all the proceedings had in the cause before him, in his docket.

Attorney to assist jury.

SEC. 12. A disagreement of the jury, as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed, and upon any such disagreement the justice may, upon the motion of the city attorney, impanel a new jury in the same [manner] manners as provided for drawing the original jury, and in like proceedings shall thereupon be had as to the lands, concerning which there was a failure to agree, and a new jury may, in like manner, be had as often as necessary. If any [juror] jury, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place who shall have the like qualifications, and be sworn and exercise the same duties, as the other jurors of the panel.

Disagreement not to affect certain awards.

SEC. 13. Upon filing the report and award made by any jury, with said justice, a copy of the record may be taken by the city attorney, for the use of the council, and at any time thereafter and within forty days after the impaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagree-

Copy of record may be taken by attorney.

ment of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive, as to all parties not appealing therefrom, within the time prescribed in the next section.

Appeal to
circuit court.

SEC. 14. Any part aggrieved by the judgment of confirmation [mention]ed in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains and his objections, if any, to the amount of damages awarded and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him, in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Bill of excep-
tions.

SEC. 15. At the time of [filing] taking said claim of appeal, the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised, upon the errors and objections alleged in the claim of appeal and shall, at the same time, serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected, according to the facts of the case, and sign the same, and within ten days thereafter, said justice shall make and certify a return to said appeal, setting forth a transcript from his docket, of all the proceedings and the judgment of confirmation entered therein and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and said bill of exceptions, and file the same with the clerk of said circuit court.

Proceedings in
circuit court.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case and, upon the hearing thereof, shall consider the errors alleged in said claim of appeal and if the proceedings are found invalid, as to the party appealing on account thereof, the court shall remand the case so far as affects the appellant, to said justice, and a new jury may be called, and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to a trial by jury, at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment

of confirmation, shall not in any way affect said judgment as to other persons interested therein, who do not appeal.

SEC. 17. Upon any dismissal of the appeal, or rendition of Idem. judgment after trial, in the circuit court, [said] shall court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant, for the purpose mentioned in the resolution of the council, and unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of [the] justice of the peace, after the same has become final, and of the report of the jury, thereby confirmed, and records of such copies, made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained and of the regularity of all [the] proceedings to appropriate the property sought to be acquired and to confirm the same. Certified copies of confirmation.

SEC. 19. Within six months after the judgment of confirmation [by] of the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons, the several amounts of damage and compensation awarded to them as finally confirmed, and in case any such person shall refuse the same, be unknown or a non-resident of the city, or be not found therein, or [shall] be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid, on demand, to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubts as to the ownership of the property, or as to the [interest of the] respective parties making the claims thereto. When payment to be made.

SEC. 20. Upon the payment, tender or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances and the right to occupy the property sought to be used shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender or deposit, or a record of such certificate, in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city, in the lands and property taken. Title to vest in city.

SEC. 21. In all cases where any real estate subject to a lease or agreement shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only Covenants to cease.

of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

CHAPTER IX.

OF THE POWERS AND DUTIES OF OFFICERS.

Mayor, power
and duties of.

SECTION 1. The mayor shall be chief executive officer of the city, and shall also be president of the common council, and shall countersign all orders drawn upon the city treasurer, and see that all officers of said city faithfully comply with and discharge their official duties; that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council are faithfully observed. He shall have the same power as conservator of the peace within the limits of the city as any justice of the peace has, or may by law have; and to this end it may be lawful for him when any person shall, in his presence, be guilty of a breach of the peace, or a violation of any of the ordinances of the common council punishable by fine or imprisonment, to direct the marshal or other officer forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city who shall, without reasonable delay, proceed to the examination and trial of the party arrested. He shall have the power, and it shall be his duty, to preserve order and decorum in the council room during the session of the common council, and for this purpose may order any disorderly person to be arrested by the marshal or other peace officer, for disorderly or contemptuous conduct in his presence, which disorderly person may be imprisoned in the charge of the marshal for a period not exceeding twenty-four hours, as a penalty for such disorderly or contemptuous conduct. The mayor, as chief executive of the city, shall have power over the police officers of the city, consisting of the marshal and his assistants; and the mayor shall have the power to suspend the marshal, or any police officer of the city: *Provided*, In his judgment such officer is not faithfully performing the duties of his office: *And provided*, The said marshal or police officer shall fail to carry out the instructions of the said mayor, as to the arresting of offenders, or the enforcement of the laws as directed by the said mayor; such suspension to continue until the next regular or special meeting of the common council at the pleasure of the mayor; the mayor having the right to reinstate such officer, and to cancel such order of suspension before the meeting of the common council. The mayor shall submit to the common council at its next meeting the reasons for suspending said officer, and said suspension shall become a removal from office, unless the common council shall overrule the judgment of the mayor by a vote of a majority of its members.

Proviso.

Recorder,
duties of.

SEC. 2. The recorder shall perform all the duties and have all the statutory powers of a township or city clerk in respect to the filing and custody of all papers required to be filed, and

the performance of all other statutory duties. He shall keep a record of the proceedings of the common council, and a record of all claims allowed by them. He shall also draw all orders on the treasurer for claims and accounts allowed by the common council and, if required, keep an account, as near as may be, to which fund the same belongs; and he may have a clerk, who may perform all the duties aforesaid, and shall be known as the recorder's clerk.

SEC. 3. The recorder shall also be, by virtue of his office, a justice of the peace, with all the powers and duties as other justices of the peace in said city, and shall give bond and take the oath of office, as justice, before entering upon the discharge of the duties thereof, but his title as such justice shall be "recorder," and his court shall be denominated the "recorder's court of the city of Marquette." The records of such court, and all papers filed therein, shall be delivered by said recorder to his successor in office, who shall proceed in all cases pending in said court, and determine the same without notice to parties.

To be a justice
of the peace.

SEC. 4. The president *pro tempore* of the common council shall possess the same powers and perform and discharge the municipal duties of mayor, during the absence, inability, death, resignation, or removal of the mayor.

President pro
tem.

SEC. 5. The recorder shall be subject to impeachment and removal from office for corrupt conduct in office, or for crimes and misdemeanors, in the same manner as judicial officers, pursuant to the provision of the constitution of this State.

Subject to
impeachment.

SEC. 6. Whenever any power, authority, or jurisdiction is conferred by this act upon a justice of the peace or justices of the peace of said city, the same shall be deemed to be conferred upon the recorder as one of the justices of the peace of said city, and it shall not be necessary to confer such jurisdiction, either in this act or in any ordinance or by-law, to mention said recorder or his court when speaking of or reference is made to the justices of the peace or justices' courts of said city.

Power conferred

SEC. 7. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council, to act upon committees when thereto be appointed by the mayor or common council, to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations of said city, to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, to maintain peace and good order, and to perform all other duties required of them by this act.

Duty of
aldermen.

SEC. 8. The marshal of said city shall be chief of police, see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regulations. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and all other persons in the

Of marshal

Deputies.

discharge of the duties imposed on him by law. He may appoint such number of deputies as the common council shall direct, subject to their approval, who shall have the same powers and perform the duties as the marshal, and for whose official acts he shall be in all respects responsible, and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of the State, as sheriffs or constables have by law to execute similar process. The marshal shall also possess all the powers of a constable under the laws of this State, or which constables in townships have, and such other powers and duties as are mentioned in this act or as the common council acting under the powers in this act conferred may prescribe. He shall also collect all capitation or poll-taxes in said city.

City attorney.

SEC. 9. The city attorney, under the direction of the common council, shall have charge of and conduct all the law business of the corporation, and in which it shall be interested, except otherwise ordered by the common council in special cases, and shall also advise the common council, boards of the city, and their officers and committees, upon all matters appertaining to the business of said city, and the enactment of its laws and ordinances when submitted to him for his opinion.

City treasurer

SEC. 10. The city treasurer shall have the custody of the money and valuable papers and obligations belonging to the corporation, and shall keep a just and true account of all moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council and upon warrants drawn by the mayor and recorder, and for school purposes upon proper authority. He shall, once in each year, and oftener if required, settle with the common council, and shall pay over all moneys in his hands upon the order of the common council, and shall deliver all obligations and valuable papers in his possession to his successor in office when required. He shall also receive all moneys belonging to the city, and collect all taxes levied or assessed therein, except as otherwise provided herein; and for that purpose he shall give bond to said city, in such sum and with such surety or sureties as the common council shall require and approve; and such treasurer shall also give to the treasurer of the county of Marquette such further security as is or may hereafter be required by law of the several [township] townships treasurers of the several townships of this State; and for the purpose of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer, on giving the bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law, and shall also perform such other duties respecting the collecting and return of taxes as this act imposes. The treasurer shall have the custody of all bonds, mortgages, notes, leases and evidence of debt belonging to the corporation.

SEC. 11. The supervisor of each ward shall have and exercise within his respective ward all the powers, authority and functions of supervisors of towns as now provided or as may hereafter be provided by law, except as assessor, and except as herein otherwise provided, and they shall be members of the board of supervisors of the county of Marquette, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform, as supervisors, such other duties as by this act shall be required of them: *Provided*, That in case of sickness, absence, disability, or resignation of any supervisor, the common council shall have power to appoint a supervisor *pro tem* for the ward for which said supervisor was elected.

Supervisors.

Provide.

SEC. 12. The justices of the peace of said city shall file their oaths of office in the office of the clerk of the county of Marquette and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers, and duties conferred on justices of the peace in townships, and shall have jurisdiction of all actions brought for the recovery of any fine, penalty, or forfeiture imposed by this act or any ordinance of said city.

Justices of the peace.

SEC. 13. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them; and they shall receive for their services, when engaged in cases for violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

To keep office in the city.

SEC. 14. All fines, penalties, and forfeitures recovered by any of said justices for violation of penal laws shall, when collected, be paid into the county [treasury] treasurer on the first Monday in each month; and all other fines, penalties, and forfeitures recovered by any of said justices shall, when collected, to be paid into the city [treasury] treasurer; and each of said justices shall report on oath to the common council at the first regular meeting thereof in each month during the term for which he shall perform the duties of said justice, the name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and the amount thereof, and all moneys by him received for or on account thereof, which moneys so received, or which may be in his hands collected on such fines, penalties, or forfeitures, and to be paid into the city treasury, shall be paid into the city treasury on the first Monday of each and every month during the time such justice shall exercise the duties of said office. The recorder and other justices of the peace of said city shall qualify in the same manner, and give like security as is required by law of justices of the peace elected in townships, and all the laws of this State applicable to justices of the peace elected in townships, and to the courts held by such justices of the peace, except as otherwise provided in this act, shall apply to the recorder and other justices of the peace of said city, and to [the] courts held by such recorder and

Fines, penalties, etc.

To qualify.

Term of office.	other justices of the peace of said city. The term of office shall commence on the fourth day of July next succeeding their election, except when elected to fill an existing vacancy, in which case they shall qualify within ten days after notice of their election, and may at once enter upon the duties of their office.
Police constables.	SEC. 15. The police constables of said city shall have and receive the same fees, and have all the like powers and authority in matters of criminal nature, as is conferred by law upon constables in the several towns of the State, and shall, if required by the common council, give like security, and each constable shall possess the same powers, and be under the same duties and obligations, as constables of townships, and shall give like security.
Duty of assessor.	SEC. 16. It shall be the duty of the assessor to make and complete all assessments upon the real and personal property within the city, which are or may be required by law or the laws and ordinances of the city to be made therein for any purpose whatever.
Of other officers.	SEC. 17. All other officers whose duties are not herein expressly prescribed, and which the common council are herein authorized to appoint, shall perform such duties and give such security as the common council may require, and all officers appointed by the common council or who shall have the control or management of any of the money or property of the city, may be required to give such security as the common council may prescribe and approve, and in default thereof the common council may declare their office vacant.

CHAPTER X.

OF THE POWERS AND DUTIES OF THE BOARD OF HEALTH.

Board of health.	SECTION 1. It shall be the duty of the mayor, by and with consent of the common council, on or before the first day of
How appointed.	May, in each year, to appoint a board of health for said city to consist of six persons, who are not members of said council, one of whom at least shall be a competent physician, who shall be appointed as follows: Two persons for a term of one
Term of office.	year, two persons for a term of two years, and two persons for a term of three years. The mayor of said city shall be a member <i>ex officio</i> of such board of health and shall be president thereof. The said board of health, when duly organized, shall appoint a competent physician, not a member of such board, who shall be health officer for said city. Upon [the] expiration of the term of office of any member of the board of health, appointed as herein provided, his successor shall be appointed in like manner for the term of three years, and the said mayor and common council shall also have power to fill any vacancy caused in such board of health by the death, resignation or removal from the city of any member thereof.
Powers of.	SEC. 2. Said board of health shall possess all the powers

and be subject to all the duties and liabilities conferred upon boards of health by the general law of the State as it now is or may hereafter be.

CHAPTER XI.

COURTS OF JUSTICE, FINES, PENALTIES AND LEGAL PROCEEDINGS.

SECTION 1. The justices of the peace in said city herein-^{Jurisdiction.} before mentioned shall be deemed justices of the peace in the county of Marquette, and shall have all the powers and jurisdiction given by the general laws of this State, in relation to civil and criminal cases before justices of the peace in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Marquette, in the same manner as appeals from the justices' judgments and convictions in towns are made: *Provided*, That all actions^{Provide.} within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts when the plaintiff or defendant, or one of the plaintiffs or defendants, resides in a township adjoining the township of Marquette.

SEC. 2. Any justice of the peace residing in the said city of^{Power and authority.} Marquette shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing on oath, to inquire into and hear, try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders as by said by-laws or ordinances shall be prescribed or directed; to award all process, and take recognizance for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison as occasion may require. The corporation of the city of Marquette shall^{Use of jail.} be allowed the use of the common jail of the county of Marquette for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed to jail by any justice of the peace for any violation of a by-law or ordinance of said common council, shall be in the custody of the sheriff of the county, who shall keep safe the persons so committed, until [lawfully] discharged as in other cases.

SEC. 3. Whenever any person shall be charged with having^{Warrant to issue in name of the people.} violated any ordinance or by-law of the city, any justice of the peace of said city, to whom such complaint shall be made, shall examine the [complainant], complaint and any witnesses produced by him, on oath, and if it appear that such offense has been committed, and that there is reasonable cause to believe the accused to be guilty thereof, such justice shall issue a warrant to the sheriff or any constable of said county, or to the marshal of said city, commanding such officer, in the name of the people of the State of Michigan, to bring such person before him forthwith to be dealt with according to law, and to

Duty of officer. answer unto the city of Marquette, and the same warrant may require the officer to summon such witnesses as may be named therein to appear and give evidence at the trial; and any such officer to whom such warrant shall be delivered for service is hereby required to execute the same, under the penalties which are by the law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process; and all process issued by any justice of the peace to enforce and carry into effect any of the by-laws or ordinances of the city of Marquette may be delivered to the sheriff or any constable of the county of Marquette or to the marshal of the city of Marquette, and the marshal or other officer to whom said warrant shall be delivered for service is hereby required to execute the same in any part of this State where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Expenses, etc. SEC. 4. The expense of apprehending, examining, and committing offenders against any law of this State, in the said city, or by any officer of said city, and of their confinement, shall be audited and paid by the supervisors of the county of Marquette in the same manner as if such expenses had been incurred in any town of said county; and the board of supervisors of said county of Marquette shall audit and allow all legal charges against said county presented to said board by any justice of the peace or constable of said city.

What warrants shall recite. SEC. 5. Warrants issued by justices of the peace for the apprehension of persons charged with violating any ordinance or by-law of the city of Marquette, shall recite the substance of the complaint, and shall command the officer to whom the same is directed as provided in section three of this chapter; and on the person charged being brought before the justice who issued the warrant, the same proceedings shall be had, as near as may be, as is provided by law for the trial, conviction and punishment of offenders against the laws of this State by justices of the peace.

Penalties may be sued for; SEC. 6. An action of debt may be brought by the city attorney or by any member of the common council, in the name of the city, for the recovery of any penalty incurred by the violation of any ordinance of the city and, upon application of either of said officers, it shall be the duty of the recorder, or any justice of the peace of the city, to issue a summons returnable in not less than two nor more than six days, which may be directed to the marshal, sheriff or any constable of said county, and may be served by any one of said officers, at least two days before the return thereof, in the same manner as summons issued by justices of the peace under the laws of this State, and the same provisions and principles of law, not inconsistent with this act, shall apply in relation to said summons, the service and return thereof and all subsequent proceedings in, and including the rendition of judgment therein as applies to the collection of penalties before justices of the peace under the

general laws of the State: *Provided*, If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal or *certiorari* to the circuit court of Marquette county, in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed by or on behalf of the said city. Proviso.

SEC. 7. In all civil or criminal cases tried before any justice of the peace of the city of Marquette, the same right of appeal or *certiorari* shall be allowed to the circuit court for the county of Marquette as is allowed from the decision and judgment of justices of the peace in townships, and such appeal or *certiorari* may be taken in like manner and with like effect. Appeal.

SEC. 8. Whenever any fine shall be imposed or any recovery shall be had in any action of debt before any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city, commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with interest and costs, and for want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county of Marquette, to be safely kept by the officer in charge until said defendant be discharged by due course of law; and the defendant shall remain imprisoned until the execution, with all the costs and charges thereon, shall be paid, or he be discharged by due course of law: *Provided*, That the common council may remit such fine in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same. Execution may issue.

SEC. 9. In all suits in which the corporation of the city of Marquette shall be a party or shall be interested, no inhabitant of said city shall be deemed incompetent as an officer, witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with all the inhabitants of said city. Competency of witnesses, jurors, etc.

CHAPTER XII.

OF TAXATION, TAXES, AND THE COLLECTION THEREOF.

SECTION 1. The assessor of said city shall, in each any every year, make and complete an assessment roll of all the real and personal property in said city in the same manner and within the time, as is or may be from time to time required by law for the assessment of property in the several townships of this State, and in so doing shall, in all respects, except as otherwise in this act provided, conform to the provisions of law governing the action of supervisors in the several townships of this State, in the assessment of property and the levying of taxes. Assessor to make roll.

SEC. 2. On the third Monday of May, and for so many days next thereafter as may be necessary in each and every year, not Board of review.

Duties, etc.

exceeding three days in all, it shall be the duty of the mayor and assessor, together with the supervisors of each ward, to meet at nine o'clock in the forenoon of said day or days, at the common council room, on [or] in the case of sickness or inability of the mayor the recorder shall act in his place, and in the case of [the] sickness or disability of either of said supervisors, the other alderman of his ward shall act in his place; and the said mayor, assessor and supervisors, or any of said officers, together with the persons so appointed as aforesaid, or a majority of them when assembled together as aforesaid, shall constitute a board of review for the purpose of reviewing the assessment roll of the city, and of correcting any and all errors which said board, or majority of them, may discover in said roll, and of exercising all the powers which the supervisors of townships are authorized to exercise at the time appointed by law for the review of their assessments, and any member of said board is hereby authorized to examine on oath any person who shall make any application to said board, and also to administer any oath to any such person, or any person who may be required to file any affidavit with them, or either of them.

To attach certificate.

SEC. 3. When the said board has reviewed and completed the assessment roll for the city, it shall be their duty, or the duty of a majority of the members of said board to attach to the said roll, signed by them, a certificate, which may be in the following form: "We do hereby certify that the above assessment roll contains a description of all the real estate in the city of Marquette, liable to be taxed, according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof, and not at the price it would sell for at a forced auction sale; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that we have estimated the same at its true cash value according to our best information and belief."

Certificate to be made from knowledge.

SEC. 4. Any of the members of said board may make such certificate from such knowledge as they may possess, or are able to obtain from the supervisor of the ward where such property is located, or can acquire while sitting on said board.

When roll is completed, etc.

SEC. 5. When [the] said assessment roll is thus completed, it shall be retained by the assessor. It shall be the duty of the assessor on or before the second Monday [of] in October in each year, and at such other times as assessment rolls are required by law to be produced before boards of supervisors, to deposit said assessment roll with the county clerk of Marquette county at the office of such county clerk, and it shall be the duty of said county clerk to produce said roll before the board of supervisors at its annual meeting, or whenever required by law as aforesaid. When the board of supervisors have acted on said roll as is or may be required by law with township rolls, it shall be returned by the county clerk to said assessor. The board of supervisors shall have the same power to equalize said

Board of supervisors to act on roll, etc.

roll and do any and all acts with and to said roll as they now or hereafter may have or do to township assessment rolls. Said assessor shall neither sit nor act on said board of supervisors, nor shall he be considered to be a member of said board of supervisors.

SEC. 6. Said assessor shall complete the tax roll of said city in the manner required in the case of township tax rolls, and deliver the same with his warrant thereto attached, to the city treasurer, within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State; and the warrant of the assessor, annexed to the tax roll of said city as aforesaid, shall have the same force and effect as the warrants of the supervisors of the several townships, required by law to be annexed to the tax rolls of the several townships of this State: *Provided*, Roll to be delivered to city treasurer. Security has been given by such city treasurer as required by law or in this act provided; but if such security shall not have been given by such city treasurer in the manner and in the time required, the common council shall immediately appoint some suitable person, who shall give the required security, to collect such tax roll, who shall be styled a collector; and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes, and make return of his doing thereon in the same manner, and shall have all the powers and shall perform all the duties and be subject to the same liabilities in this act conferred upon the city treasurer of said city for the purpose of the collection and return and paying over of said taxes. Provided.

SEC. 7. For the collection of all such taxes, the city treasurer or other persons appointed to collect the same shall be entitled to receive such percentage as is or may at the time be allowed by law to township treasurers for the collection of taxes. The said treasurer shall collect the tax rolls put into his hands by the assessor within the same time and in the same manner that the several township treasurers, and he shall possess all the powers and perform all the duties of township treasurers of this State, as prescribed by law, which are not inconsistent with this act. Fees for collection.

SEC. 8. As amended one thousand eight hundred seventy-five. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which taxes shall be and remain a lien on the property so assessed until the same shall be paid: *Provided*, That they shall not raise by general tax more than one per cent on the valuation thereof for city purposes, exclusive of State, county, school and highway taxes. They may levy a highway tax not exceeding one-half of one per cent on the valuation of taxable property in said city to be assessed and collected in money as other city taxes, but placed upon the assessment rolls of the several wards in the column of highway taxes. They may also levy and raise by tax in addition thereto, such sum as may be required to pay any indebtedness of the city, maturing or to Taxes a lien. Provided as to limit.

fall due within the year arising from loans previously made by the city or interest thereon.

Poll tax.

SEC. 9. The common council shall have power to assess and collect from every male inhabitant of said city over the age of twenty-one years and under the age of fifty years, except paupers, idiots, lunatics, and persons otherwise exempted by law, an annual capitation or poll-tax not exceeding one dollar, and they may provide by their by-laws for the collection of same: *Provided*, That any person assessed for a poll-tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed and electing to pay the same in labor, notice of the time and place when and where such labor will be required; and the money raised by such poll-tax, or labor in lieu thereof, shall be expended or performed under the direction of the common council.

Proviso.

Taxes, how levied.

SEC. 10. All State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected as near as may be in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale and redemption of real estate, for the non-payment of taxes, shall be in conformity with proceedings for the return, sale and redemption of real estate by township officers, except as herein otherwise provided.

Council to determine amount of tax necessary.

SEC. 11. It shall be the duty of the common council of said city, on or before the last Saturday preceding the first day of October in each year, to determine by resolution the amount necessary to be raised by tax for city purposes within said city for such year; and it is hereby made the duty of the assessor to levy the same, and such other taxes as may be required by law, upon the taxable property of the city, in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the townships of this State.

To be a lien.

SEC. 12. The taxes so levied for city purposes and all other purpose shall be and remain a lien upon the property on which the same was levied or assessed, in the same cases, to the same extent, and in like manner as the taxes required by law to be levied on property in the several townships of this State are liens upon such property, and all provisions of law respecting the return and sale of property for the non-payment of such city and other taxes shall apply to the return and sale of property for the non-payment of such city and other taxes, except as herein otherwise provided.

No tax invalid.

SEC. 13. No general or special tax assessed in said city, upon any property therein, shall be held invalid for the purpose of collecting the same, for want of any matter or thing not affecting the merits thereof; nor shall any excess of tax render any sale of personal property invalid, unless the legal amount of tax, costs and charges were tendered to the officer collecting the same, before the sale of such property; and in all cases of sales of real estate for taxes, the same may be redeemed within

the time, and in the manner and upon the terms as provided for in the general laws of this State, and such sales shall have such legal effect as is or may be hereafter given in the general law, to sales of land for taxes; but such sales shall in all cases be presumed *prima facie* to be regular.

SEC. 14. Whenever the common council shall order any street or any portion thereof to be graded, paved or otherwise improved, or shall order the construction of any sewer, bridge, culvert or other like improvement, it may enter into a contract for the making of such improvement according to the provisions of this charter, and the laws and ordinances of this city; and after the cost and expense thereof has been ascertained, it shall cause the same to be assessed upon the lots and real estate herein made subject to such assessments as hereinafter provided.

Improvements may be assessed upon lots, etc.

SEC. 15. For the purpose of such assessment, the assessor shall immediately proceed to establish and define a local assessment district, and shall make out a special assessment roll of all the lots and parcels of real estate within such district, and assess the entire cost and expense of such improvement upon the said lots and parcels of real estate, in a just and equitable manner, assessing upon each lot or parcel of real estate in each district, its just proportion of the whole amount of such cost and expense according to the best of his judgment, having reference to the proportionate amount of benefit to be derived from such improvement by each of said lots or parcels of real estate.

Local assessment districts.

SEC. 16. On the completion of such assessment roll by the assessor he shall immediately submit the same to the common council, who shall have power to revise the same, and may change the limits of the assessment district, or the amount of assessment upon any lot or parcel of real estate therein, or may order a new assessment roll to be made by the assessor and submit to the common council for approval.

Roll to be revised by council.

SEC. 17. After the said assessment roll has been approved by the common council, the recorder shall give notice of at least ten days by publication in some newspaper printed in said city, or by handbills posted in at least ten conspicuous places within the said assessment district, that the common council will meet on a day and at an hour specified in said notice, to consider the final confirmation of said assessment roll. If a quorum of the common council shall not be present at such meeting, or if the revision of such assessment roll cannot be completed thereat, it may be adjourned from time to time for that purpose without further notice.

Notice of confirmation to be given.

SEC. 18. When all needful revision and correction of such assessment roll have been made to the satisfaction of the common council it shall, by resolution, confirm the same. After such confirmation, such assessment shall constitute a lien until paid upon said lots or parcels of real estate, and shall be collected in such manner as may be authorized by the general ordinances of said city.

When confirmed.

When part to
be paid out of
general fund.

SEC. 19. Whenever the common council shall deem it just that a portion of the cost and expense of opening and improving any new street, or of constructing or re-constructing any bridge, culvert or sewer, should be paid out of the general highway fund of the city, or out of money borrowed for municipal purposes, it may, by resolution, determine what proportion of the entire cost and expenses of such improvement shall be so paid, and the remainder of such cost and expense shall be assessed upon the lots and parcels of land deemed to be benefited thereby, as hereinbefore provided.

When to be paid
out of general
road fund.

SEC. 20. Whenever it shall be necessary to take up entirely and lay anew the pavement of any portion of any street previously paved or to change the grade of any street previously graded, it shall be the duty of the common council to direct the cost thereof and the cost of ordinary repairs to paved streets to be paid out of the general road fund: *Provided*, If three-fourths in amount of the property owners upon said street, as shown by the last preceding assessment rolls, petition for said re-pavement or change of grade, and ask that the expense thereof be assessed upon the adjacent property, then it shall be the duty of the common council to direct such expense to be assessed upon said adjacent property, as near as may be, in the manner provided in the preceding sections of this chapter.

Proviso.

In case of invalid
assessment.

SEC. 21. Whenever any special assessment for the improvement of a street or for any other public work shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made for the purpose for which the original assessment was made. Such new assessment shall be made in the manner provided for making original assessments of like nature in force at the time when such assessment shall be made. And whenever the tax of [or] any part thereof, assessed upon any lot or parcel of real estate by the original assessment set aside or held invalid as aforesaid, has been paid, and shall not have been refunded, it shall be the duty of the receiver of taxes to apply said payment upon the re-assessment on said lot or parcel and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter making special assessments a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection of special assessments, shall apply to re-assessments made under this section. The provision of this section shall apply to special assessments heretofore made by the common council of the village of Marquette, as well as to those which shall hereafter be made.

Collection
of special
assessments.

SEC. 22. The common council shall have power to provide by general ordinances for the collection of all special assessments, by distress and sale of the personal property of the

person liable to pay such assessments, whenever the same may be found within the county of Marquette, and in case of no such personal property be found, by a sale of the real estate on which such assessment is levied: *Provided*, That the common council may, in the case of any special assessment, direct a suit to be commenced and prosecuted in the name of the city, in any court of competent jurisdiction, for the recovery thereof; and in such case an action of debt or assumpsit may be maintained thereon, and the several courts of this State shall have and exercise jurisdiction thereof in the same manner and to the same extent as in the case of suits between individuals. Proviso.

SEC. 23. Every person, co-partnership, or corporation owning or operating any railroad, crossing any of the streets of said city, shall provide and maintain suitable crossings; and whenever in crossing any street any cut or excavation shall be made, such person, co-partnership, or corporation shall build and keep in repair in such manner as shall be approved by the common council, a good, strong and substantial double track bridge, and shall repair, strengthen, or rebuild the same whenever ordered by the common council; and if any such person, co-partnership, or corporation shall neglect or refuse to construct, repair, strengthen, or rebuild any such bridge in the manner and within such time as the common council shall direct, it shall be lawful for said common council to procure the same to be done by contract in the same manner as in the case of street or other improvements, and may assess the expenses thereof, together with the costs of collection, upon the persons, co-partnership or corporation owning or operating said railroad as aforesaid, to be collected in the manner provided by the ordinances for collecting special assessments: *Provided*, The common council may, if they shall deem it preferable, fill up such excavation and assess the expenses thereof as aforesaid. Railroads to maintain street crossings, etc.

CHAPTER XIII.

COMPENSATION OF OFFICERS.

SECTION 1. The officers of said corporation shall be entitled to receive out of the city treasurer the following sums in full payment for their services; the mayor shall not be entitled to receive any compensation; the recorder, assessor and attorney shall be entitled to receive, respectively, such sums as the common council may allow; the marshal shall be entitled to receive the same fees for serving process in behalf of the corporation as constables are allowed for similar services, and he shall also receive such further compensation as the common council shall allow; the treasurer, justice of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers, unless in this act otherwise provided; the street commissioner shall be entitled to receive three dollars per day for his services and at the same rate for parts of days Compensation.

Mayor.
Recorder.
Assessor.
Attorney.
Marshal.
Treasurer.
Justice.
Constable.
Street commis-
sioner.

Directors of
the poor.

Aldermen.

Other persons.

Clerks of
election.

Supervisors.

Accounts to
be verified.

Collection fees.

actually employed; the directors of the poor shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in performance of the duties of their respective offices; the [aldermen] alderman shall not be allowed to receive more than one dollar each in any year as compensation for their services, except when acting upon the board of registration and board of election for which services they shall receive, as follows: For services upon the board of registration three dollars per day, and for services upon the board of election five dollars for each election. Any person other than the [aldermen] alderman serving upon either of said boards shall receive the same [paid] pay as herein provided for [aldermen] alderman. Clerks of election shall receive five dollars for each election.

SEC. 2. The supervisors of said city, as herein before provided, shall receive such compensation for their services, while actually employed in their duty as supervisors, excepting when employed as members of the board of supervisors the same sum as supervisors performing like duties in townships are, or may be hereafter, allowed by law, which compensation shall be audited and paid by the common council of said city.

SEC. 3. The accounts of supervisors and also all other persons against the city, shall, whenever required by the common council, be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of said common council.

SEC. 4. Before [for] the collection of all taxes, the city treasurer or other person appointed to collect the same, shall be entitled to receive such percentage as is, or shall be, prescribed by law for township treasurers, and may be added by him to the taxes in like manner as township treasurers are or may hereafter be authorized to add the same, and for the collection of all special assessments, the said treasurer or other person appointed to collect the same, shall be entitled to receive such percentage as the common council shall by general ordinance prescribe, to be added and collected in the same manner as special assessments.

CHAPTER XIV.

MISCELLANEOUS PROVISIONS.

Power to ad-
minister oaths.

When guilty
of perjury.

SECTION 1. The chairman of any committee or special committee of the common council shall have power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee.

SEC. 2. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement of [or] affidavit, or otherwise, willfully swear falsely as to any material fact or matter shall be guilty of perjury.

SEC. 3. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment, or against any person for having done any thing or act by the command of such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law, and no court shall have jurisdiction of any such action while such person remains a resident of said city, except a court with such municipality, or the circuit court for the county of Marquette.

Double costs in certain cases.

SEC. 4. The duties of standing committees shall be prescribed by general ordinance. Such committees shall have power to subpoena witnesses, to compel their attendance, and production of the necessary papers in all examinations pending before them; and to that end the common council may prescribe and regulate the necessary proceedings and confer upon the marshal or other officers of the corporation all needful powers for the purposes aforesaid.

Duties of standing committees.

SEC. 5. The common council shall hold regular sessions at such times and places as they shall by ordinance or by resolution direct, and may adjourn regular sessions from time to time as may be deemed expedient; and they may hold special sessions and adjourn the same in the same manner as regular sessions, and they may provide for calling special sessions otherwise than as herein provided.

Meetings of council.

SEC. 6. All suits by or against said city shall be in the corporate name thereof, and all process or other papers in any such suits against said city, shall be served by leaving a copy thereof with the mayor or recorder of said city: *Provided*, That after said city shall have appeared in such suit by attorney, all subsequent notices and papers therein shall be served on such attorney as in other cases.

Suits to be in corporate name of city.

Proviso.

SEC. 7. The supervisors of the several wards shall in each year, at the session of the board of review for the correction of the assessment roll, select from the names of residents of their respective wards, appearing on said assessment roll, the same number of persons qualified to serve as jurors in courts of record, and return the same to the county clerk in the same manner as supervisors of townships are or may be required by law to do, and with like effect.

Jury lists.

SEC. 8. The said city shall have its just proportion of the present indebtedness of the township of Marquette, to be determined by the township board of said township, and the common council of said city, in the same manner as claims between townships are adjusted in similar cases, and shall have its share of the property of the said township, to be divided in a like manner.

Of debts, etc., of township.

SEC. 9. All property, real, personal and mixed, and rights of property in law or in equity, and all debts, fines, penalties, forfeitures, rights and causes of action, and all rights and powers not inconsistent with the provisions of this act which belong, have accrued, or may accrue to the common council of

All property vested in city.

the city of Marquette, or to the inhabitants of the said city in the corporate capacity, shall be and the same are hereby declared to be fully and absolutely vested in the corporation created by this act, to be held subject to the provisions hereof, and may be prosecuted for and recovered or claimed, asserted and maintained by said corporation in its own name, or in any other lawful manner, and all actions that may be pending between the common council of the city of Marquette and any person or persons, at the time when this act shall take effect, may be prosecuted to final judgment without abatement or delay in the same manner as if this act had not been passed, except that in all proceedings subsequent to this act the corporate name of said city shall be substituted therein for that of the common council of the city of Marquette.

Present ordinances to continue.

SEC. 10. All ordinances, by-laws, regulations, resolutions and rules of the common council of the city of Marquette now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council under this act and after the same shall take effect.

To pay debts of city of Marquette.

SEC. 11. The corporation created by this act shall pay and discharge all the debts, obligations, contracts and liabilities of the city of Marquette, and suits may be brought and prosecuted thereon in the same manner, either in law or equity, and with the same effect as they could be brought or prosecuted against the common council of the city of Marquette, if this act had not been passed.

Owners of property liable for damages in certain cases.

SEC. 12. Whenever an action shall have been maintained, and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk, or opening in the same occasioned by the wrong or negligence of the owner or occupant of the premises in front of which the sidewalk shall be, or on account of any excavation in the streets by any gas, hydraulic or railroad company, or by any other corporation, or by any person or persons, and such owner, occupant, or company, or persons shall have been reasonably notified to appear and defend said action. The judgment, if any, obtained against said city, shall be conclusive as to the amount of damages and the validity of the claim of the city against such owner, occupant or company, or in any other proper form of action: *Provided*, That no person or corporation shall be liable, as provided in this section, to the city on account of failure to keep any sidewalk in repair, unless such person or corporation shall have received at least twenty-four hours' notice to repair or correct the defect complained of, which occasioned the injury for which damages were recovered against the city.

Proviso.

Other powers, etc.

SEC. 13. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon township boards of the several townships of this State in reference to all matters not herein otherwise provided for; and the city clerk or his deputy shall perform all the duties of township clerk or which township

clerks are authorized to perform, that are necessary to be performed in said city, and not herein otherwise provided.

SEC. 14. All former acts and parts of acts relating to the city of Marquette, which are repugnant to this act are hereby repealed, but nothing herein contained shall be construed to destroy, impair or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act shall be carried out and completed in the same manner, as near as may be, as provided in such former act or acts; and all claim or interest of the city in lands heretofore sold to, or bid in by the city of Marquette for delinquent taxes assessed in said city, may be sold and conveyed by the recorder of the city in the same manner that the same might have been sold and conveyed by the recorder of said city had not this act been passed, and with like effect; and any purchaser of lands sold for taxes in said city shall, if the lands so purchased is not redeemed as provided in said act or acts, be entitled to a deed from the recorder of the city, in pursuance of the powers herein conferred, shall be as valid and effectual as though the same had been executed by the recorder of the city of Marquette, under and in pursuance of the powers conferred upon said recorder of said city.

Acts repealed.

Of former proceedings, acts, etc.

SEC. 15. All prosecutions for any offense committed, or penalty or forfeiture incurred, shall be enforced in the same manner in all respects and with the same effect, as if this act had not been passed.

Prosecutions, etc., to be enforced, etc.

SEC. 16. In all cases in which any power is conferred by this act upon the common council of the city, or upon any officer mentioned herein, and the manner of exercising or enforcing such power is not herein pointed out, or sufficiently and accurately described, the common council may prescribe the manner of exercising and enforcing all such powers, and may pass such ordinances in relation to all such matters and things not inconsistent with the constitution of the United States and of this State as they may deem proper.

Council shall prescribe, etc.

SEC. 17. The board of water and fire commissioners of the city of Marquette, created by act number two hundred and forty-three, of the session laws of eighteen hundred and sixty-nine, is hereby continued in existence under the name of the "Board of fire and water commissioners of the city of Marquette," with all the powers conferred and all the duties prescribed by said act; and all the duties by said act devolved upon the president of the village of Marquette are hereby directed to be performed by the mayor of the city of Marquette; and the common council of the city of Marquette shall possess all powers, and perform all duties, by said act conferred upon or prescribed to the common council of said village, and said act is hereby declared to be of force in the city of Marquette, hereby created in the same manner, and to the same effect, as though the word "city," was used in the lieu of the word "village," in said act and said board shall possess and exercise the powers given them by said act, to be possessed and exercised in

Certain boards continued, etc.

said village of Marquette, throughout and in all parts of the city hereby created.

Public act.

SEC. 18. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever.

Election may be held at other than place designated.

SEC. 19. If for any reason any place designated by this act as the place for holding the first election herein provided for or designated by the common council for any subsequent election, cannot be used for such purpose, the electors of the ward who are assembled at such place at the hour for opening the polls, may adjourn thence to any other proper place in the same ward, and may there meet and hold such election: *Provided*, That some person of suitable age shall be left at such first mentioned place, whose duty it shall be to notify all electors coming there of the place to which said polls have been adjourned.

Proviso.

Ordinances to be approved by mayor.

SEC. 20. Every ordinance passed by the common council shall be presented to the mayor on or before it becomes a law. If he approve of it, he shall sign it; but if not, he shall return it to the common council with his objections which shall be entered at large upon the journal of their proceedings and reconsider it. On such reconsideration if two-thirds of the members elected to compose such common council approve and agree to pass the ordinance it shall become a law; in such case the vote shall be determined by yeas and nays. If any ordinance be not returned by the mayor within five days, Sundays excepted, after it has been presented to him, the same shall become a law in like manner as if he had signed it.

This act is ordered to take immediate effect.

Approved March 27, 1891.

[No. 250.]

AN ACT to authorize the common council of the city of Detroit to make an appropriation to suitably provide for the twenty-fifth national encampment of the Grand Army of the Republic, to be held in the said city of Detroit.

Authority to appropriate money.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of making appropriate and suitable provision on behalf of the city of Detroit for the entertainment and care by the said city, of the veterans of the war for the union, at the said city in the month of August, one thousand eight hundred and ninety-one, at the twenty-fifth national encampment of the Grand Army of the Republic, power and authority are hereby given to the common council of the city of Detroit, to appropriate a sum of money, not exceeding fifty thousand dollars, for such purpose.

To be raised by general taxation.

SEC. 2. The common council of the city of Detroit are hereby authorized to make the appropriation provided for in section one of this act, out of the general fund of the said city,

and raise the same by general taxation, and all money so raised and appropriated shall be expended exclusively for the purpose hereby provided for under the direction of the mayor, controller, and the chairman of the committee of ways and means of said city, who are herewith constituted a commission for that purpose and shall select one of their number as chairman.

SEC. 3. The said [commission] commissioner shall, from time to time after the said appropriation shall have been made, make requisitions upon the city treasurer of the said city of Detroit for such amounts, within said appropriation, as may be deemed necessary for the purpose herein provided for, and the said city treasurer is hereby authorized and required upon presentation of such requisitions to pay the amount thereof to the chairman of said commission. And said commission shall make returns to the common council at such time or times and in such manner as said common council shall direct, of all expenditures made by it and shall file with said common council proper receipts and vouchers therefor.

This act is ordered to be given immediate effect.

Approved March 27, 1891.

[No. 251.]

AN ACT to revise and amend the charter of the city of Ishpeming.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled, "An act to incorporate the city of Ishpeming in the county of Marquette," approved April tenth, eighteen hundred and seventy-three, as amended by the several acts amendatory thereof, be revised and amended so as to read as follows:

CHAPTER I.

INCORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact*, That so much of the county of Marquette as is embraced in the west one-half of the southwest one-quarter of section two, the south one-half, and the south one-half of the north one-half, and the northwest one-quarter of the northwest one-quarter and the northeast one-quarter of the northwest one-quarter of section three, the east one-half of the east one-half of section four, the east one-half of the east one-half of section nine, the whole of section ten, the northwest one-quarter and the west one-half of the southwest one-quarter and the north one-half of the northeast one-quarter of section eleven, and lots one, two, three, four, five, six, seven and eight, of section fourteen, the whole of section fifteen, and the east

one-half of the northeast one-quarter of section sixteen, all in township forty-seven north, of range twenty-seven west; and the west one-half of the southwest one-quarter of section thirty-four in township forty-eight north, of range twenty-seven west, and that certain piece or parcel of land in the southwest one-quarter of the northwest one-quarter of said section thirty-four described and bounded as beginning at the iron stake in rock ledge three thousand six hundred and seventy-four feet north and six hundred and forty-four and one-half feet east of the southwest corner of said section thirty-four, running thence north one hundred and twenty-five feet, west sixty feet, south one hundred and twenty-five feet, thence east to point of beginning, and also the Carp river bed and twenty feet of the bank on each side of the Carp river bed extending from the southern limit of said parcel of land last described to the point where said stream enters the southwest one-quarter of the northwest one-quarter of said section thirty-four, be and the same is hereby declared to be a city by the name of the city of Ishpeming, by which name it shall hereafter be known.

Name.

To be a body corporate.

SEC. 2. The freemen of said city, from time to time being inhabitants thereof, shall be and continue a body corporate and politic, to be known and designated by the name and title of the city of Ishpeming, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, of defending and being defended in all courts of law and equity, and in all other places whatsoever; and shall have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for said city: *Provided*, Said city shall not be sued except in a court of record.

Proviso.

Wards.

First ward.

Second ward.

SEC. 3. Said city shall be divided into seven wards, as follows: The first ward shall comprise the territory bounded on the north and west by the center line of the Chicago and Northwestern railroad right of way, on the south by the center line of Division street and on the east by the center line of Fourth street and Fourth street produced. The second ward shall comprise the following described territory, to wit: The northeast quarter of the southeast quarter, and the north half of the southeast quarter of the southwest quarter and the southeast quarter of the northeast quarter of section nine. That portion of the northwest quarter of section ten lying south of the first ward and the subdivision between the north and south halves of said quarter. The southwest quarter of section ten with the exception of the following described parcel of land: Commencing at the southwest corner of section ten, running east on the section line eight hundred and thirty feet, thence north one thousand feet, thence west eight hundred and thirty feet, to the section line between sections nine and ten, thence south one thousand feet to the section corner. The

third ward shall comprise the territory bounded on the south Third ward. by the first and second wards, on the east by the center of First street, on the north by the subdivision line between the north and south halves of the southwest quarter of section three and the [southwest] southeast quarter of section four, on the west by the city limits. The fourth ward Fourth ward. shall consist of the following territory: That portion of section ten lying east of the first and second wards; that portion of the southeast quarter of section three and the southwest quarter of the southwest quarter of section two lying south of the center of the Chicago and Northwestern railroad right of way and east of the center of Fourth street produced. The west half of the southwest quarter, the northwest quarter and the north half of the northeast quarter of section eleven. The fifth ward shall comprise the territory Fifth ward. bounded on the west by the third ward, on the south by the first and fourth wards, on the east by the eastern limit of the city and on the north by the subdivision line between the north and south halves of the south half of section three and the southwest quarter of section two. The sixth ward shall com- Sixth ward. prise all the territory within the city limits lying north of the third and fifth wards. The seventh ward shall comprise the Seventh ward. following territory: The northwest quarter of the northwest quarter and lots one, two, three, four, five, six, seven and eight of section fourteen, all of section fifteen, the east half of the northeast quarter of section sixteen, the south half of the southeast quarter of the southeast quarter of section nine, that portion of the southwest quarter of section ten not included in the second ward.

SEC. 4. The ward officers heretofore elected and now hold- Present officers in certain wards to continue. ing as such from the first, second, third and fourth [wards] ward of said city as heretofore existing shall not be affected in the terms of their several offices for which they have [so] been so elected and qualified, by the re-subdivision into wards as herein provided, but shall hold their respective offices for the respective wards for which they were so elected and qualified for the remainder of their respective terms of office and as such shall represent the said respective wards as herein described and until their successors are duly elected and qualified the same as if they had been so elected and qualified therefor.

SEC. 5. In each of the several additional wards herein pro- Officers in the new wards. vided for, to wit: The fifth, sixth and seventh, there shall be elected at the annual April election to be held in the year one thousand eight hundred and ninety-one, two aldermen, one for one year and one for two years and until their successors shall be duly elected and qualified, also one supervisor for the term of one year or until his [successors] successor shall be duly elected and qualified, also one constable who shall hold his office for one year or until his successor shall be elected and qualified. When elected.

SEC. 6. The common council shall designate and provide Polling places in the new wards. for polling places in the said fifth, sixth and seventh wards

before notices are required to be posted for elections therein and in accordance with the general provisions of this act and notice of the election and registration for the first annual election to be held in said wards shall be duly posted as is required by the general terms of this act for such elections. Before the first election to be held in said fifth, sixth and seventh wards, the common council shall appoint three suitable persons, residents and electors of said several wards, as a board of registration for the registration of voters in their respective wards, for such first annual election therein, and who shall at the said first election act as judges of election, and who shall have the same powers and perform the same duties as are provided in this act for inspectors of election in the several wards: *Provided*, That it shall be necessary to serve only three days' notice of registration and of the place of holding the same, in all the wards at the present spring election, to be held April sixth, eighteen hundred ninety-one; but on all other elections thereafter the notice shall be as otherwise provided in the statute.

Board of registration, etc.

Proviso.

CHAPTER II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

SECTION 1. The following officers shall be elected from among the electors of said city, viz.: A mayor, a recorder, a treasurer, four justices of the peace, two school inspectors, and in each of the several wards, from among the electors in said wards, a supervisor, two aldermen, and one constable.

Elective officers.

Appointed officers.

SEC. 2. The following officers shall be appointed by the common council on or before the first Monday in May, viz.: An assessor, a city attorney, a street commissioner, a director of the poor, a pound master, and such number of police constables as the council may from time to time deem necessary. A marshal and a deputy marshal shall be appointed by the mayor and confirmed by the common council. The common council may also from time to time provide by ordinance for the appointment of, and may appoint for such term as may be provided in such ordinance, such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Terms of office.

SEC. 3. The mayor shall hold his office for the term of one year and until his successor shall be elected and qualified. The recorder shall hold his office for two years and until his successor shall be elected and qualified. The treasurer shall hold his office for one year and until his successor shall be elected and qualified. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election. One school inspector shall be elected annually for the term of two years from the first Monday of

April of the year when elected and until his successor is elected and qualified. One supervisor in each ward shall be elected annually for the term of one year from the first Monday in April of the year when elected and until his successor is elected and qualified. One alderman shall be elected annually in each ward for the term of two years from the first Monday in April of the year when elected and until his successor shall be elected and qualified. One constable in each ward shall be elected annually for the term of one year from the first Monday in April in the year when elected and until his successor is elected and qualified.

SEC. 4. All officers appointed by the common council except the assessor and except officers appointed to fill vacancies in elective offices, shall hold their respective offices for one year from the first day of May of the year when appointed and until their successors are appointed, qualified and enter upon the duties of their offices, unless a definite term shall be elsewhere specially provided for such term of office in this act or in the ordinance creating the office; and any officer appointed or elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred. The assessor shall hold his office for the term of three years from the first Monday in May of the year when appointed, or until his successor shall be appointed, qualified and enter upon the duties of the office. In all cases, except in office of justice of the peace, officers shall enter upon the duties of their office and give the security, if any required, for the performance thereof, within ten days after formal notice of election or appointment.

Terms of appointed officers.

Security to be given.

SEC. 5. The justice of the peace shall file his oath of office with the county clerk of said county on or before the fourth day of July following his election. He shall also give the same security as is required by law of justices of the peace in townships, and shall file the same with the county clerk of Marquette county, within the time limited for filing his official oath. Such security may be approved either by the mayor of the city, or by the county clerk.

Justice to file oath, etc.

SEC. 6. No person shall be eligible to either or any of said offices unless he shall be an elector and resident of said city, nor shall he be eligible to any ward office, unless he shall then be an elector and resident of such ward; and when any officer elected or appointed for the city, or any ward of said city, shall cease to reside in said city, or the ward for which he was elected his office shall thereby become vacant.

Qualifications for office.

SEC. 7. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the recorder new official bonds, in the same or in such further sums and with new or such securities as the council may deem requisite for the interest of the corporation. Any failure to comply with such requirement, shall subject the officer to immediate removal by the council.

New bonds.

VACANCIES IN OFFICE.

Vacancies.

SEC. 8. All resignations of officers shall be made to the common council. Every office shall become vacant on the happening of either of the following events, before the expiration of the term of office: The death of the incumbent, his resignation, his removal from office, his ceasing to be an inhabitant of the city, or ward, if his office be a ward office, his conviction of any infamous crime, or any offense involving the violation of his oath of office, the decision of a competent tribunal declaring void his election or appointment, or his refusal or neglect to take his oath of office, or to give or render any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided*, That whenever any vacancies [vacancy] shall occur in the office of any justice of the peace in said city by the operation of this act, or the term of office of such justice shall expire, the recorder shall immediately transmit to the county clerk of said county a notice in writing, officially signed by him, informing the county clerk that the office of such justice of the peace is vacant or expired.

Proviso.

Council may fill in appointed offices.

SEC. 9. When any vacancies occur in any of the offices which are appointed by the common council, either by death, resignation, removal of the incumbent, or otherwise, the said council may fill such vacancies by appointment for the remainder of the unexpired term for which such officer was appointed.

Special elections.

SEC. 10. Whenever a vacancy occurs in the office of [alderman] aldermen, or justice of the peace, the common council of said city shall immediately appoint a special election to be held in the city or ward for which such officer was chosen, at some suitable place therein, not less than ten days nor more than twenty days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in said office of alderman within three months before the first Monday in April in any year, it shall be optional with the common council to order a special election or not, as they may deem expedient.

Proviso.

Qualifications for appointees.

SEC. 11. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alderman, and justice of the peace, the common council may in their discretion fill such vacancy by the appointment of a suitable person who is an elector and if appointed for a ward who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy shall hold by virtue of such appointment until his successor is elected or appointed as the case may be, and qualified.

Special election, notice of.

SEC. 12. Whenever a special election is to be held, the common council shall direct the recorder to give notice of the time and place of holding such election in the same manner as is herein required for giving notice of annual elections, and the proceedings of such special election shall be the same, as near as may be, as at the annual city election.

CHAPTER III.

ELECTIONS.

SECTION 1. The annual elections in said city shall be held Annual election. on the first Monday in April in each year, at such places in the several wards as the common council shall from time to time designate. Notices of the places for holding such elections in the several wards, as designated by the common council, shall be given by the recorder in the same manner and the same length of time before the holding of an election, as is required in notices of election, and in all notices of election, the place in each ward for the holding thereof shall be properly described. Notice of all elections shall be given by the recorder at least ten days before the election, by posting the same in three public places in each of the several wards, and also by publishing the same in some newspaper printed in said city, which shall be issued at least one week before said election. Notice to be given. The aldermen and supervisor of each ward shall be Inspectors. the inspectors of elections, and the supervisor shall be chairman of such board of inspectors; and they shall also be inspectors of the State, district, county, and all other elections, and they shall appoint suitable persons to act as clerks thereof. In case of the absence of one, or both, or all of such inspectors, the electors present at the opening of the polls on election day, may choose, *viva voce*, from their number, one or more persons to fill such vacancies, to whom, as well as to clerks appointed as aforesaid, shall be administered the constitutional oath by one of said inspectors or by any justice of the peace or notary public. Manner of conducting elections. The manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that of townships under the general laws of this State, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote shall be challenged: *Provided*, Proviso as to certificates, etc. That at such charter election the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their ward, which certificate shall be immediately filed in the office of the recorder of said city, and upon the Thursday next following the day of said election, the common council shall meet at the office of said recorder, and shall thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified, except the justices of the peace elected for the full term, shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to

Proviso. said recorder, who shall file the same in his office: *Provided*, That in case of the election of any one or more justices of the peace, the said recorder shall make a certificate thereof and cause [it] to be delivered to the county clerk in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number and not a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such office.

Who are electors. SEC. 2. The inhabitants of said city being electors, under the constitution and laws of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at such election, and a person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be received, shall take one of the oaths or affirmations provided by the laws of this State for electors at general or special elections for the time being, which oath or affirmation may be administered to him by either of the inspectors of election. Upon taking such oath or affirmation, duly registered in said ward, he shall forthwith be permitted to vote. In all other respects, not herein provided, said election shall be conducted, as near as may be, in accordance with the general laws providing for township elections.

Powers of board of election. SEC. 3. The board of election in each ward, at all elections held therein, shall possess all the powers, not inconsistent with this act, that boards of election in townships possess under and in pursuance of the laws of this State, and in all matters not otherwise provided for in this act, the laws of this State applicable to the holding of township meetings shall apply to the holding of annual elections held under this act, and all the laws of this State not inconsistent with, or which control this act, applicable to the holding of general elections in townships of this State, shall apply to the holding of general elections in the several wards of said city.

Time for opening polls. SEC. 4. At all elections held by virtue of this act, the polls shall be opened in each ward, at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open without intermission or adjournment until six o'clock in the afternoon, at which hour they shall be finally closed.

Ballots. SEC. 5. At all annual elections held under this act, the electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board. The ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote for both city and ward offices, and shall designate the office for which each person so named is intended by him to be chosen, but no ballot shall contain a greater number of names designated for any office than there are persons to be chosen at the election to fill such office.

The common council of said city shall provide a suitable box Ballot box. for each ward, with lock and key, for a ballot box to be used in such ward.

SEC. 6. If, at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is elected for said office, shall be designated on the ballot. At all city elections every elector shall vote in the ward where he shall have resided ten days next preceding the day of election; otherwise he may vote in the ward from which he removed: *Provided*, He shall have resided in such ward ten days prior In case of vacancy. to such removal. The residence of an elector under this act shall be the ward where he has his usual or regular sleeping apartments. Where electors shall vote.

SEC. 7. Immediately after the closing of the polls, the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them and declare the result, and shall, on the same day, or on the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or the next day, with the recorder of the city. Canvass.

SEC. 8. It shall be the duty of the inspectors of election, on receiving the votes as specified in section five of this chapter, to cause the same, without being opened or inspected, to be deposited in the ballot box. The clerks of election, appointed as aforesaid, shall write down the name of each elector voting at such election, in duplicate poll lists, to be kept by them under the direction of the inspectors of election, and disposed of in the same manner as in elections in townships. Duty of inspectors and clerks.

SEC. 9. The person receiving the greatest number of votes for any office in said city or ward shall be deemed duly elected to such office, and if any officers shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the inspectors of election in case of ward officers, and the common council in case of city officers, shall determine by lot which of the several persons so receiving the highest number of votes shall be declared elected. If notice of any election shall not be given as herein required, it shall be lawful for the electors to meet at the proper time, and at the place of the last election, and hold the election; and may thence adjourn, if necessary, to some other place, as in township elections, and in case of the non-attendance or neglect of the proper officers to act, the electors present may, *viva voce*, choose inspectors to act in their places: *Provided*, That if any election of officers under this act shall not be held on the day provided for by this act, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice thereof being given as provided in this act, for special elections, and the incumbents of the several offices at the time when such election should have Who deemed elected. In case notice is not given. Provido.

been held, shall continue to hold their respective offices until their successors are so elected and qualified.

May adjourn to
another place.

SEC. 10. If for any reason any place designated by this act as the place of holding the first election herein provided for, or designated by the common council for any subsequent election, cannot be used for such purpose, the electors of the ward who are assembled at such place at the time of opening the polls may adjourn thence to any other proper place in the same ward, and may there meet and hold such election: *Provided*, That some person of suitable age [shall] be left at said first mentioned place whose duty it shall be to notify all electors coming there of the place to which said polls have been adjourned.

Proviso.

CHAPTER IV.

QUALIFICATIONS, COMPENSATION, POWERS AND DUTIES OF OFFICERS.

Duties of
supervisors.

SECTION 1. The supervisors elected in the several wards shall be members of the board of supervisors of Marquette county, and perform all the duties of supervisors in townships not inconsistent with, and except as otherwise provided for in this act. But they shall not be assessors except they may be appointed like other persons to act upon the board of assessors in the making of special assessments. As members of the board of supervisors of the county of Marquette, they shall justly be entitled to the same compensation, and shall be paid in the same manner as supervisors of townships. For all duties performed for the city they shall receive as compensation for their services, three dollars per day while actually employed, which compensation shall be audited and paid by the common council in the same manner as other bills. In case any supervisor shall be temporarily absent from the city or from good cause shall be unable to act in the discharge of his duties, the alderman in his ward having the shortest time to serve shall, during the continuance of such absence or inability to act, serve as the supervisor of his ward, and for the time being possess all the powers and discharge the same duties as the supervisor, and in case neither can serve, the common council shall appoint some suitable person to act as supervisor for such ward until such disability ceases. In case of the vacancy in the office of a supervisor of a ward the common council may appoint some person as such supervisor for the remainder of the term.

Compensation.

When alderman
to serve.

Duty of assess-
ors.

SEC. 2. The assessor shall annually assess all property in said city, liable to taxation under the laws of this State, for the purpose of levying taxes, and who shall for that purpose have all the powers and perform all the duties of supervisors in townships in this State; and he shall also perform such other duties as are provided for in this act. The assessor shall have power to administer oaths and affirmations whenever necessary to the proper discharge of the duties of his office, and any person who shall willfully swear falsely to any return, valuation,

record, property, or material fact concerning his property liable to be assessed under the general laws of this State, shall be held and deemed guilty of the crime of perjury. The assessor shall receive such compensation for his services as the common council may determine from time to time, and shall be subject to removal for cause the same as other officers appointed by the common council.

SEC. 3. The marshal shall each year, before entering upon the discharge of the duties of his office, give such security, with such penalty and so conditioned, as the common council shall require. The marshal shall be the chief of police and shall possess all the powers of a constable. It shall be his duty to see that the ordinances and regulations in force from time to time in the city are properly and effectually enforced. To this end, it shall be the duty of the marshal, in all cases where a violation of this act, or of any ordinance or regulation, shall come to his notice to take, without further order or direction, proper proceedings against the offender for such violation, and to make proper complaint to the police magistrate or any justice of the peace of said city therefor, or procure the same to be done. He shall obey all lawful orders of the mayor and may command the aid and assistance of all constables and all other persons, in the discharge of the duties imposed upon him by law. He may appoint, subject to the approval of the mayor, such number of special police constables as he may deem necessary in an emergency, who shall have all the powers, for the time being, of police constables appointed by the common council. The deputy marshal shall, in the event of the absence, inability, death or removal of the marshal, possess the same authority and perform the same duties as the marshal. The marshal shall receive such compensation for his services as may be allowed from time to time by the common council.

Duty of marshal,
etc.

May appoint
special police.

Deputy marshal.

SEC. 4. The treasurer shall each year, before entering upon the discharge of the duties of his office, give such security to the common council, in such penalty, with such sureties and so conditioned, as the common council may require. The treasurer shall be collector of the taxes within the city and also all special assessments which may be levied within the city, unless otherwise provided, and shall perform all such duties in relation to his office as the council may from time to time prescribe. He shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value, belonging to the city. He shall receive all money belonging to and receivable by the city, and keep an account of all receipts and expenditures thereof, and all such moneys shall be paid direct to said treasurer and not to any other officer of the city, and the receipt of any other officer than the treasurer shall not be valid as against the city, except as herein provided, or as may be provided by the common council by ordinance. The treasurer shall at all times, when required so to do by the common council, make report to them of the condition of the treasury and his doings

Duty of treasurer.

Compensation. as treasurer. He shall, except as herein otherwise provided, have all the powers and perform all the duties required of treasurers in townships in this State, and shall receive such compensation for his services as is provided by the general laws of this State to be received by the treasurers of townships. He shall pay out no money except upon the order of the common council and upon warrants signed by the mayor and recorder, or in case of school moneys, upon the proper authority and warrant therefor. He shall keep a just and true account of all money received and disbursed by him. In addition to such

To give bonds. bonds as shall be from time to time required by the common council to be given to the city, he shall also make to the treasurer of the county of Marquette, or to the Auditor General of the State of Michigan, such further security as shall be from time to time required by the laws of this State to be given by the treasurers of townships of this State, and shall perform all the duties required of the treasurers of townships, under the law of this State.

Duty of city attorney. SEC. 5. The city attorney shall be legal advisor of the common council and of all officers of the city, and shall act as attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested; he shall prosecute for offenses against the ordinances of the city and shall attend the meetings of the common council when required, and in case of his absence or inability to act, may delegate some competent attorney, acceptable to the common council, to act in his stead.

Compensation. The city attorney shall receive as compensation for his services such [sum] sums as may be from time to time allowed by the common council, not exceeding one thousand dollars per annum.

Of recorder. SEC. 6. The recorder shall keep the corporate seal, and all the documents, official bonds, contracts, papers, files and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, and record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted, and all drafts drawn upon the treasury; he shall when required make and certify under the seal of the city copies of the papers and records and filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent that the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; he shall have authority to administer oaths and affirmations. The recorder shall be the general accountant of the city, and all claims against the corporation shall be filed with him for adjustment; after examination thereof he shall report the same with all accompanying vouchers and counter claims of the city and the true balance as found by him to the common council for allowance, and when such claims are allowed shall draw his warrant upon the treasury for the payment thereof, designating thereon the fund from which payment is to be made, and shall take proper receipts therefor, but no warrant shall be valid

unless countersigned by the mayor, nor be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the [objects] object and funds for which it is levied, raised or appropriated, and the amount thereof to be credited to each fund. He shall countersign and register all bonds issued by the city and keep a list of all property belonging to the city and of all its debts and liabilities. He shall also keep an account with the treasurer, in which he shall charge the treasurer with all the tax and [assessment] assessments rolls of the city, and all special assessments that may be levied from time to time, collectible by the treasurer, and with all moneys received by the treasurer from any source for each of the several funds of the city, keeping a separate account with each and shall credit the treasurer with all warrants drawn upon him that may be paid by him. When any fund has been exhausted the recorder shall immediately notify the council. The recorder shall also perform such other duties as may be required of him from time to time by the council. The recorder shall receive as compensation for the services performed by him, such salary as the common council shall from time to time allow, not exceeding the sum of one thousand dollars per annum.

SEC. 7. The school inspectors and justices of the peace shall have all the powers and perform all the duties which are provided and required of school inspectors and justices of the peace in townships under the general laws of this State, and their compensation shall likewise be governed by the laws of the State relating to school inspectors and justices of the peace in townships. The school inspectors shall, with the recorder, constitute the board of school inspectors of the city, and the recorder shall be clerk of the board.

SEC. 8. In addition to the duties required of justices of the peace in townships, each justice of the peace shall account on oath to the common council, at the first meeting thereof in each month, for all such moneys, goods, wares and property, which may have been paid to him by way of fines or received by him and remaining in his possession as stolen property, received during the preceding calendar month. He shall also report each month at the same time all suits and proceedings brought before him during the preceding calendar month under any ordinance of the city or in which the city is a party and the result, if any, of such suit or proceeding, with the disposition of moneys received by him thereon. He shall also, in addition to any other security required by law to be given for the performance of his official duties, before entering upon the duties of his office, give a bond to the city in the penal sum of one thousand dollars, with sufficient sureties, to be provided by the common council, conditioned for the faithful performance of the duties of justice of the peace within and for the city. It shall be the duty of the justices of the peace of said city to keep their office in the city and attend to all complaints of a

Compensation.

School inspectors and justices of the peace.

Justices to report to council monthly.

Give bond.

To keep their office in the city.

criminal nature which may properly come before them. They shall receive for their services when engaged in cases for violation of this act, or the ordinances of the city, such fee as the common council shall prescribe by ordinance. All fines, penalties or forfeitures, paid over to any justice of the peace of the city shall be paid over to the proper treasurer on or before the first Monday in each month. As justices of the peace of the county of Marquette all such justices shall file such security and so conditioned as is required by law of the justices of the peace in townships and their [courts] court and the proceedings therein shall be governed by the law of the State applicable to the justices of the peace in townships.

May be suspended.

SEC. 9. Each justice of the peace who shall be guilty of misconduct in office or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act, or any of the ordinances of the city, may be suspended from office by the common council, during its pleasure.

Of street commissioner.

SEC. 10. The street commissioner shall be the executive officer of the common council who are under this act the street commissioners of the city, with relation to all matters pertaining to the building, repair, alteration or improvement of the streets of the city, and shall perform such duties as may be from time to time prescribed by the common council.

Compensation.

He shall receive as compensation for his services such sum as may be from time to time allowed by the council. In case of the creation of a board of public works, under the provision of this act, the said commissioner shall be subject to the order of the board, with relation to streets and alleys, to such extent as shall be required by the board of public works, within the duties conferred upon them by the common council. The said commissioner shall collect all poll-tax, in case the same be levied, and all resident, highway and labor taxes, in case the same be levied, which overseers of highways are authorized to collect in their respective [district] districts in townships, unless otherwise ordered by the common council, and such street commissioner shall be overseer of highways and vested with all the powers of overseers of highways in townships under the law of this State, or in such manner as the common council may direct and he shall give a bond to the city in such penalty and such condition and with such sureties as the common council may prescribe and direct. The said commissioner shall also be fence viewer of the city and possess all the powers and be subject to the same liability as fence viewers in townships.

Commissioner to collect poll-tax, etc.

Duties of aldermen.

SEC. 11. The aldermen of the city shall be members of the common council and attend the meetings thereof, and act upon committees when appointed. As conservators of the peace, they shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city, and they may exercise within the city the powers conferred upon sheriffs to suppress disorders. No alderman, while acting as such, shall hold any other city office.

SEC. 12. The police constables of said city shall have the like power and authority in matters of a criminal nature as is conferred by law upon constables in townships, and shall, if required by the common council, give security, in such penalty as the council may prescribe, conditioned for the faithful performance of their duties. The police constables shall receive such compensation as the council shall from time to time prescribe. The constables elected in the several wards of the city shall have the same powers and authority in all respects as the constables in townships, under the law of this State, and they shall have like compensation for their services. Police constables shall, with the marshal, constitute the police force of the city, together with such special police constables as may be from time to time appointed by the marshal for that purpose, and the deputy marshal shall be a police constable. The police force of the city shall be directly subject to the orders of the marshal.

Powers of police constables.

Of constables elected.

SEC. 13. The duties and compensation of all other officers in the city, not herein expressly provided for, shall be such as are conferred and provided for by the general laws of this State or as may from time to time be prescribed by the common council.

Of other officers.

CHAPTER V.

POWERS AND DUTIES OF THE MAYOR.

SECTION 1. The mayor of said city shall be the chief executive officer thereof, and shall be *ex officio* a member and president of the city council.

Powers and duties of mayor.

SEC. 2. The mayor shall have power to and shall appoint all standing committees. He shall preside at all meetings of the city council, and call special meetings of the city council whenever he shall deem it expedient, or whenever requested in writing by three or more aldermen. It shall be optional with the mayor to vote upon a measure, unless in case of a tie, in which case he shall cast the deciding vote.

Mayor to appoint committees, etc.

SEC. 3. The mayor shall see that all by-laws, rules, regulations and all ordinances of said city are enforced, and he shall have authority at all times to examine and inspect the books, records and papers of any agent, commissioner and officer of the corporation pertaining to the duties and office of such persons, and shall have supervision and control of the marshal and police. He shall countersign all warrants and orders for money on the treasury of said city, and shall perform, generally, such duties as may be required of him by this act.

Mayor to see that ordinances are enforced etc.

SEC. 4. The mayor shall be conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. The mayor shall also have power when, in his

Mayor to be conservator of the peace, etc.

Removals from
office.

judgment, he shall deem it necessary, to suspend any officer of the city who shall hold his office during the pleasure of the council, but such suspension shall continue in force only until the next regular meeting of the council, unless it be then ratified by the council. Such suspension shall be by written notice filed with the clerk, a copy of which shall be served on the officer. In case the common council shall take no action at its next regular meeting, or at any subsequent meeting, upon the order of suspension made by the mayor as aforesaid, such suspension shall continue in force until action is taken thereon by the council. The mayor may appoint a competent person to perform the duty of the office of any of the officers so suspended during the continuance in force of such suspension. Any officers of the city except the mayor, alderman, justice of the peace, except as herein otherwise prescribed, may be removed by the common council at any time for good cause, and the council shall have power to prescribe by ordinance the mode of procedure in case of removal or may act in each case as prescribed in pursuance with their resolution adopted for that purpose. No person shall be removed from office by the common council except by a two-thirds vote of the members elect. The mayor, in case of any inquiry prosecuted by or before the common council, or any committee thereof, under this act, shall have the power to require the attendance at such inquiry of any witness who may be found within the county of Marquette and shall possess the same powers and to the same extent as is possessed by justices of the peace in proceedings before them for such purposes. Or the mayor may procure from any justice of the peace of said city, process by subpoena for the purpose aforesaid, which process shall specify the time and place for such inquiry and the body before whom the same is held and which process shall have the same force as if issued in a proceeding in justice court.

President of
council.

SEC. 5. The council shall, at its first regular meeting after any election, elect one of its members to be president of the council. Such president shall, in the absence of the mayor, or in case of his inability to act, perform all the duties of the office of mayor.

CHAPTER VI.

POWERS AND DUTIES OF THE COMMON COUNCIL.

What constitutes
the common
council.
Powers, duties,
etc.

SECTION 1. The mayor and aldermen of said city shall constitute the common council. No ordinance or resolution passed by the common council authorizing any public improvement, or for or concerning the same, or for the payment of money by the treasurer, shall have any force or effect if on the day of its passage, or on the next day thereafter, the mayor, or other officer legally discharging the duties of mayor, shall lodge in the office of the recorder a notice in writing, suspending the immediate operation of such ordinance or resolution, and if the mayor,

or other officer legally exercising the office of mayor shall, within twenty-four hours after the passage of such ordinance or resolution, lodge in the office of the recorder his reasons in writing why the same should not go into effect, the same shall have no legal operation unless it shall, at a subsequent meeting of the council, be passed by the affirmative vote of two-thirds of all the members of the council then in office exclusive of the mayor or other officer legally discharging the duties of mayor, and if so repassed, shall go into effect according to the terms thereof. If no reasons be filed with the recorder as above provided, such ordinance or resolution shall, notwithstanding such notice suspending the same, have legal operation and effect. For the purposes aforesaid in this section, no ordinance or resolution of the common council shall take effect until the expiration of twenty-four hours after its passage. It shall be the duty of the recorder to communicate to the council at the next meeting thereof, any papers filed with him pursuant to the provisions herein.

SEC. 2. All meetings and sessions of the council shall be public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time and may compel the attendance of absent members in the same manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interests therein sold or disposed of or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by a vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

Meetings to be public.
Quorum.

Two-thirds vote necessary in certain cases.

Appropriations.

SEC. 3. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract, job, work or service, or in the profits thereof, as principal, or agent, or employé of any principal, or as surety or otherwise, the expense or consideration whereof is to be paid under any ordinance of the common council, nor shall he receive in any manner any direct pecuniary benefit from such contract. Nor shall any officer of the corporation be interested directly or indirectly in the profits of any such contract, job or service, other than official services to be performed for the corporation, for the performance of which he holds his office, or which he may be required or directed to perform by the common council. Any member of the common council or any officer of said city herein specified, who shall

Not to be interested in contracts, etc.

offend against the provisions of this section shall, upon conviction thereof, be fined not less than one hundred dollars, nor more than one thousand dollars, or he shall be imprisoned in the county jail not less than one month or more than six months, or both, in the discretion of the court, and shall forfeit his office.

Rules, etc.

Voting.

Proviso.

Attendance may be compelled.

Committees.

Records, etc., where kept.

Injury to, etc.

Common council, its powers and duties.

SEC. 4. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by "yeas" and "nays" when by the provisions of this act a two-thirds vote is required, and also when called for by any member of the council, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative: *Provided, however,* That in all cases of appointment of officers and fixing of salaries the [votes] vote shall be by ballot. The council shall have the power to compel the attendance of its members and other officers of the city at its meetings in such manner as it may prescribe by ordinance, and it may by ordinance prescribe the punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council. The council may provide by ordinance or resolution for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committee shall be appointed by the mayor.

SEC. 5. The council shall cause all the records of the corporation, all proceedings of the council, all books, documents, reports, contracts, receipts, vouchers, and papers relating to finances and affairs of the city, and to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the recorder, and to be so arranged and filed as to be convenient of access and inspection, and all records books, and papers, shall be subject to the inspection of any inhabitant of the city or other person interested therein, except such records or papers, or parts thereof, as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secretly injure, deface, alter or destroy, any such books, records, documents or papers, or expose the same to loss or destruction, with the intent to prevent the contents, meaning or import thereof being known, shall, on conviction thereof, be punished by imprisonment in the State Prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

SEC. 6. The legislative control and authority of said city shall be vested in the common council, consisting of the mayor two aldermen from each ward, and the recorder. The recorder shall be clerk of the council but shall have no vote thereon. Said council shall have control of all the finances, rights, and interests, buildings and property, personal and real, belonging to

said city, and may make such ordinances [and], by-laws, rules and regulations, in regard to the same, as said council may deem necessary for the care, protection and use thereof, and shall have authority to enact all such ordinances, by-laws, rules and regulations, as may be necessary to carry into effect the powers in this act conferred, and to alter, amend and repeal the same at pleasure.

SEC. 7. Said city council shall have authority to adjust and settle all accounts and claims against said city, and no suit or action shall be maintained against said city on any account or claim until the same shall have been itemized, specified and described, and the statement thereof sworn to and presented to said council, and said council shall have an opportunity to pass upon the same. Any failure to comply with these requirements shall constitute a perfect defense to such action. To settle claims against city.

SEC. 8. A majority of the city council shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. Quorum.

SEC. 9. In case of the absence of the mayor and president, or the inability of both of them to act for any reason, said council shall have power to select from its own number a president *pro tem*, who shall have all the power and perform all the duties of the mayor for the time being. President pro tem.

SEC. 10. The said city council are vested with full power to appoint the city officers provided for in this act, to compensate the same from the funds of said city, and prescribe their powers and duties not specially defined in this act. Power to appoint officers, etc.

SEC. 11. The city council shall hold stated meetings as often as once in each month, and may hold special meetings as often as necessary. The time for holding stated meetings shall be fixed and determined by said council, and if any stated [meeting] meetings shall fall on a legal holiday, such meeting, by reason thereof, and without further action by said council, shall stand adjourned until the next succeeding day upon which the same can be legally held. Within one week after each meeting of the city council all the proceedings taken thereat shall be published in at least one newspaper in said city. Stated meetings. Proceedings to be published.

SEC. 12. The city council shall have authority to appoint and compensate a civil engineer who shall have such power and perform such duties relating to his office as the council may prescribe. They may also appoint and compensate a suitable person as street commissioner of said city, who shall have such power and perform such duties pertaining to his office as the council may prescribe. Civil engineer.

SEC. 13. The city council may, if they deem it necessary, on the nomination of the marshal, appoint and compensate a deputy marshal, who shall be subject to the control of the marshal and have the same powers and perform the same duties as the marshal. Deputy marshal.

SEC. 14. The city council may provide by ordinance for the registration, previous to any election, of the electors of said city. Registration.

Charges against
officers.

SEC. 15. The city council shall have power to investigate charges against any officer of the city, and such other municipal matters as they may deem proper to investigate. To enable said council so to do, any justice of the peace of the city of Ishpeming is authorized, at the request of the council or any investigating committee, to issue subpoenas or process by warrant to compel the attendance of persons and the production of documents, books and papers, before said council or committee; and the mayor of the city shall have like power to issue such subpoena and process.

May compel
attendance of
witnesses.

SEC. 16. Whenever the city council or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before such council or committee, the presiding officer of the council or chairman of such committee, for the time being, shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel witnesses to testify as is conferred on justice courts. And false testimony given by any witness upon a material matter of any inquiry or subject of investigation shall be punishable as perjury.

Public buildings.

SEC. 17. The city council may acquire, purchase, improve, repair, erect or lease all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate and property, either within or without the limits of the city, as may be necessary for public grounds, parks, commons, markets, public buildings, cemeteries and other purposes necessary or convenient for the public good, and the execution of the powers by this act conferred; such buildings or grounds, or any part thereof, may be sold at either private sale or public auction, or leased, as occasion may require, by the city council: *Provided*, That no money shall be taken or appropriated from the funds of said city for the purpose of purchasing any building site, erecting any public building or establishing any park, common, public ground or market, without the concurring vote of two-thirds of all the members of the city council.

Proviso.

Parks, etc.

SEC. 18. The city council shall have the authority to lay out, establish, enlarge, vacate and discontinue, within the corporate limits of the city, parks and public grounds, and to improve, light and ornament the same, to regulate the care thereof, and to protect the same and all the appurtenances thereto from obstructions, encroachments, injury, and all nuisances.

Of streets, etc.

SEC. 19. The city council shall have full power and authority to lay out, establish, open, alter, vacate, discontinue, widen, repair, light and improve highways, avenues, streets, lanes, alleys, drains, water-courses, culverts, and bridges, in said city, whenever said council shall deem the same a public convenience, improvement or necessity, and may regulate the use thereof, and protect the same from obstruction, encroachment or injury. If in laying out, establishing or opening, altering, widening, repairing or improving, any highway, street, lane, avenue, alley, drain, water-course, culvert or bridge, it shall be

May take pri-
vate property.

necessary to take or use any private property, the same may be appropriated in the manner provided in this act for taking private property for public use. If it be determined that the city pay only a portion of such expense, the balance thereof shall be paid by special assessment upon the property adjacent thereto and benefited thereby, and such special assessments may be levied and collected as provided by this act for levying and collecting special assessments.

SEC. 20. The city council of said city shall be highway commissioners for the same, and shall have and exercise the same powers given by the statute to highway commissioners of townships, so far as applicable, and except as herein otherwise provided. Highway commissioners.

SEC. 21. The city council shall have power to determine and establish the grade of all streets, avenues, alleys, and public grounds, within [the] said city, and may change or alter such grades or any part thereof, whenever, in their opinion, the public convenience will be promoted thereby. whenever a grade shall be established or altered a record thereof shall be made in a book provided by the council for that purpose. Grades of streets, etc.

SEC. 22. The city council may cause all public streets, alleys and public grounds, to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in a book kept for that purpose in the office of city clerk and to be designated "book of street records." Such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds, and the boundaries of the same. Survey of streets, etc.

SEC. 23. The city council shall have power to cause the public streets, highways, avenues, and alleys in said city to be graded, macadamized, paved, planked, or graveled, and otherwise improved or repaired, and the gutters paved. The cost and expense thereof may be paid by the corporation, or the same, or any part thereof, as the council may determine, may be assessed on the property adjacent thereto, and benefited thereby, but no pavements shall be laid in any street at the cost of the general fund unless the improvement is a benefit to the city at large. Such assessments may be levied and collected as by this act provided for levying and collecting special assessments. The terms "paved" and "macadamized" shall be deemed to include gutters, curbing, cross-walks, and ballasting. Streets to be graded, etc.

SEC. 24. The city council shall have power to regulate the construction of all cross-walks and sidewalks in the public streets and alleys of said city, and may prescribe the grade thereof and change the same when deemed necessary. Said council shall have power to order the construction and maintenance of cross-walks and sidewalks in the public streets and alleys of said city and charge the cost and expenses of sidewalks upon lots and premises abutting upon such walks. Sidewalks, etc.

SEC. 25. The city council shall have power to require the owners and occupants of all lots and premises to construct, repair, and maintain sidewalks in the public streets and alleys May require owners to build, etc.

of said city whenever said council shall deem the construction, repair or maintenance of the same a public necessity; and said council shall have power to require all sidewalks to be constructed and laid upon such lines and grades, and of such width and materials, and manner of construction, and within such line, as said council may order, or by resolution or ordinance prescribe. The council shall also have full and complete power to provide by ordinance for the building or repair of sidewalks by the owners or occupants of premises, and for assessing the cost and expense of the construction or repair thereof to owners or occupants who shall neglect or refuse to build or repair the same when ordered by the council, and they may, by ordinance, provide that such expense shall become a lien upon the land, when assessed as a tax, or that it may be collected by suit, or both.

When owners,
etc, fail to con-
struct.

SEC. 26. If the owners or occupants of any lot or premises shall fail to construct, repair, or maintain any particular sidewalk as mentioned in the last section above, after due notice of not less than one week of the order of the council so to do, the city council may cause the same to be done at the expense of such owner or occupant. Such expense may be assessed upon the premises adjacent thereto, as provided in this act, and be collected with the annual taxes therein, or the same, together with costs of suit, may be recovered in an action of assumpsit, and in all such actions it shall be sufficient as a declaration, to declare on the common [count] counts in assumpsit for labor and materials furnished and a statement of the materials furnished and labor expended in constructing any such sidewalk with the value of such material and labor, verified by the officer under whose charge such walk may have been constructed, shall be *prima facie* evidence of the right of the city to recover the same. In case it is desired to make the cost and expense of the construction of any particular sidewalk or sidewalks, a lien upon premises benefited, to be collected by tax as aforesaid, the board of assessors shall assess the amount thereof to the abutting property owners, the proportions determined by front foot, and their authority so to do shall be based entirely upon the sworn statement of the officer constructing such sidewalk, showing the cost and expense thereof and all preliminary proceedings of the council required in the chapter upon special assessments prior to the levy of an assessment shall be unnecessary: *Provided, however,* That to make such summary assessment valid the officer constructing such walk shall, previous to his construction thereof, have given the owner or occupant abutting whose premises such walk is built, notice in writing of the order of the council to construct such walk, two weeks prior to the commencement of such construction by the officer, which notice shall contain a statement that the cost and expense of such construction, if completed by the city, will be assessed to the owner or occupant and collected in the tax levied in the next assessment roll. Upon the making of such assessment the board of assessors shall certify the same to the

city recorder who shall give notice thereof to the city assessor in the same manner as notices of special assessments or tax appropriations are given under this act, and no other proceedings or notice shall be necessary to make the levy of said assessment valid in the column of special tax in the next general tax, than is herein provided. In all cases where the owner or occupant of the premises who shall be required to construct sidewalks in pursuance of this or the preceding section shall fail to do so and the same shall be constructed by the city and if the cost and expense thereof be not paid to the city either before suit brought therefor or before the levy of the assessment herein provided for, ten per cent of the cost and expense shall be added thereto and collected therewith either in such suit or in such assessment.

SEC. 27. The city council, in addition to the powers and duties especially conferred upon them by this act, shall have full power and authority to enact, make, continue, establish, modify, amend and repeal at pleasure such by-laws, rules, ordinances and regulations as they may deem desirable for the following purposes:

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent and quell riots, disturbances and disorderly assemblages in streets or elsewhere in said city; and to prohibit the use of vulgar and indecent language in the public streets and places of said city; Vice and immorality.

Second, To prohibit, suppress and prevent, disorderly and gambling houses, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys; Disorderly houses, etc.

Third, To prohibit, restrain or prevent persons from gaming for money or other valuable thing, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever and the keeping of any building, place, instruments, devices or means for such gaming; Gaming.

Fourth, To prohibit, prevent and suppress all lotteries for drawing or disposing of money or property, or valuable thing whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the direction, maintenance, or management of the same; Lotteries.

Fifth, To forbid and prevent the vending, or other disposition of liquors and intoxicating drinks in violation of the law of the State, and to prohibit, restrain and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers; Liquors.

Sixth, To prohibit, prevent, abate or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow chandler shop, butcher's stall, slaughter-house, market, soap factory, tannery, stable, privy, privy vault, hog-

pen, sewer, or other unwholesome house or place, to cleanse, remove, or abate the same from time to time, as they may deem necessary for the health, comfort and convenience of said city;

Dangerous
materials.

Seventh, To direct the location of all buildings for storing gunpowder or other combustible or explosive substances; to make regulations concerning the buying, carrying, selling, keeping and using gunpowder, fire-crackers or fire-works, or other combustible, inflammable, explosive or dangerous articles; the exhibition of fire-works and the discharge of cannon and fire-arms; and the use and kind of lamps or lights to be used in barns, stables, and all buildings usually regarded as extra hazardous on account of fire, and to regulate, prevent and restrain the making of bonfires in streets, lanes alleys and public places;

Obstruction of
highways, etc.

Eighth, To prohibit and prevent obstructions and incumbrances in the public highways, streets and alleys, and to remove the same; to prohibit encroachments upon any public street, highway or alley; and to punish those who shall obstruct, incumber, encroach or maintain any encroachment upon any street, highway or alley, in said city and to require all such persons to remove every such obstruction, incumbrance, or encroachment; to regulate and prohibit the placing of signs, goods, wares, and merchandise, boxes, vegetables, and other materials on public sidewalks; to regulate and prohibit the suspension of signs, banners, advertisements and devices in, over, across, and upon any public street or alley; and to regulate the suspension of awnings; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to regulate, prohibit, or prescribe the manner of placing telegraph poles or poles of any kind in the public streets or grounds; to regulate the manner of making all openings in and removals of the soil of public streets for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose, and may prevent all such removals and openings of the soil, except by express permission of the city council, and at such times and upon such terms and regulations as they may prescribe; to prevent any willful injury, to streets, sidewalks, cross-walks and gutters; and to prohibit, prevent, and remove and abate all nuisances in the public streets, alleys, highways and public grounds, and to require the authors and maintainers thereof to remove the same; and generally, to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and the safety of persons and property in lawful use thereof;

Fast driving,
etc.

Ninth, To require any horse, horses, mules or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys or public grounds or places in said city, to be securely fastened, held or watched, and to prevent horse-racing or immoderate riding or driving in any street, lane or alley, and to regulate riding or driving over bridges in said city;

Tenth, To determine and designate the route and grade of Street railways. any street railway to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon railroads within said city, and to compel the railroad companies, their officers, agents, managers and employes, to station flag-men at street crossings, and build gates thereat for the protection of the public, and to prescribe the length of time that engines and cars may stand on said streets or street crossings or otherwise obstruct them, or to prohibit the same, and to declare and determine the length of time after which the obstruction of such street crossings by railroad cars or locomotives shall be a nuisance, and to make such other rules and regulations concerning the same as to secure the safety of the citizens or other persons;

Eleventh, To restrain and punish drunkards, vagrants, men- Vagrants. dicants, and street beggars soliciting alms and subscriptions for any purpose whatever;

Twelfth, To regulate or prohibit bathing in any public Bathing. place; to provide for clearing the lakes, ponds and streams, within the limits of said city, and of all drift-wood and noxious matter, and to prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive; to designate the location of all stock yards and to regulate and cause the same to be removed to such localities;

Thirteenth, To establish and regulate one or more pounds, Pounds. and to prevent the running at large of horses, cattle, swine and other animals, geese, chickens, turkeys and other fowls, and to authorize the impounding and sale of the same for the penalty incurred and the cost of the keeping and impounding;

Fourteenth, To prohibit and prevent the running at large of Dogs. dogs and to require them to be muzzled, and to authorize them to be killed when running at large in violation of any ordinance, and to prohibit any person from placing, exposing, or administering any poison to any fowl, dog, or other animal not his own;

Fifteenth, To prohibit any person from bringing into said Dead carcasses city or depositing or suffering to remain therein, any dead carcass, or other unwholesome or offensive substance; to compel the removal or destruction of all putrid meats, fish and offensive vegetable matter;

Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises, owned or occupied by them, clear from snow, ice, dirt, signs, boxes, goods, wares, merchandise and other obstructions;

Seventeenth, To prevent or regulate the ringing of bells, and crying of goods and other commodities, or other disturbing noises in the streets, lanes, alleys, or in any public place, or on private property adjoining thereto;

- Of policemen.** *Eighteenth,* To prescribe the powers and duties of policemen and watchmen not specially defined by this act, and to require them to be uniformed and to fix their compensation;
- Weights and measures.** *Nineteenth,* To provide for the sealing of weights and measures, to enforce the keeping and use of proper weights and measures by venders, and to regulate the construction, repair and use of vaults, cisterns, areas, hydrants, sewers and gutters;
- Graveyards.** *Twentieth,* To regulate all grave-yards in said city and the burial of the dead;
- Markets.** *Twenty-first,* To regulate the markets, the vending of hay, wood, meats and vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys and public places, and to provide or prescribe stands for exposing the same for sale, to regulate the inspection, weighing and measuring of brick, lumber, wood, coal, hay and any articles of merchandise;
- Water-works.** *Twenty-second,* To establish, provide and regulate water-works, to prevent the waste of water and to regulate and control the use thereof, to provide for and regulate connections with [the] water pipes and mains in said city and to punish for all unauthorized connections and interference with the same, and to regulate water rates and charges for the use thereof and to provide for the collection of the same;
- Street lighting.** *Twenty-third,* To provide for and regulate the lighting of streets, alleys and public places, and to provide for the protection and safety of public lamps and property used for and in connection with any system of lighting, to employ suitable persons to superintend the same and to fix their compensation;
- Solicitors for passengers, etc.** *Twenty-fourth,* To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, hacks, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and employed for carrying persons or goods for hire, and to fix and regulate their rates of fare and compensation, to license and regulate all vehicles of every kind used for the transportation of persons or property for hire in said city, and to prescribe stands for the same;
- Inspection of meats, etc.** *Twenty-fifth,* To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meats, and other provisions; to regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating-houses;
- Peddlers, etc.** *Twenty-sixth,* To license hawkers, peddlers, and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sales or peddling of goods, wares, merchandise, or any kind of property by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicles, or other device, in the streets, highways, alleys, or in or upon any public grounds or buildings in said city;
- Auctioneers.** *Twenty-seventh,* To license auctioneers, auctions, and sales at auction; to regulate or prohibit the sale of live or domestic

animals at auction in the streets, alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public bidding or offers; to license the same and to regulate the fees to be paid by auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Twenty-eighth, To regulate, license, restrain, and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circusses, menageries, theatrical exhibitions, shows, and all exhibitions for which money or other reward is in any way demanded or received; lectures on historic, literary, and scientific subjects excepted; Sports, exhibitions, etc.

Twenty-ninth, To prevent and punish for the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to prevent and punish for assembling and loitering about churches during the progress of any religious meeting or at the close thereof; Disturbance of public meetings, etc.

Thirtieth, To provide for and regulate a place or places for hitching teams in said city, to erect and maintain suitable hitching posts; to prohibit all practices, amusements and doings in the streets, lanes, alleys, and public places in said city, having a tendency to frighten teams and horses, or dangerous to life, limb or property; to remove or cause to be removed therefrom, all buildings and structures that may be liable to fall, and endanger life, limb or property; to preserve quiet and good order in the streets or other public places, and at the arrival and departure of railroad trains; to prevent assemblages on the street corners or other places on the public streets to the annoyance and inconvenience of pedestrians; to prevent persons, not passengers, or railroad employes, from jumping on and off cars; to prescribe and regulate the manner and place in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or places of public resort, draymen, cabmen, cartmen, hackmen, omnibus drivers and solicitors for passengers and baggage, with their drays, carts, cabs, carriages, sleighs, hacks, omnibuses or other vehicles, and shall stand at any depot or other place in said city; Hitching posts, etc.

Thirty-first, To prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations in relation to buildings deemed unsafe; to regulate and compel the covering of mill-races, to regulate, improve, alter, widen or change the channel of any brook or stream flowing through said city, on making compensation to persons whose property may be taken for such purposes; Erection of buildings, etc.

Thirty-second, To regulate the construction of private drains, sinks, cess-pools and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, and to pull down or remove any buildings, fence or structure which may be unsafe or liable to fall and injure persons or property, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or Private drains.

premises having such building, structure, private drain, sink, cess-pool or privy thereon;

Compensation of
officers, etc.

Thirty-third, To fix and regulate the compensation of all officers of the city in cases not herein otherwise fixed or regulated by law; to fix and regulate the fees of justice of the peace, jurors and witnesses in any proceeding under this act, not herein otherwise fixed or regulated by law;

Unsound meats,
etc.

Thirty-fourth, To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions;

Disorderly
houses, etc.

Thirty-fifth, To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses and places; to restrain and punish the keepers thereof, and persons found therein; to punish and restrain common prostitutes, vagrants and drunkards, and disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to secure said city and its inhabitants against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace;

Offensive trades,
etc.

Thirty-sixth, To prohibit and prevent, within certain limits or districts in said city, the location or construction of buildings for storing gunpowder, tanneries, distilleries, buildings for the manufacture of any combustible or inflammable material, slaughter-houses and yards, butcher shops, soap factories, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, steam boiler factories, carpenter shops, planing establishments, and all buildings usually regarded as extra hazardous in respect to fire shall be subject to such regulations in relation to their construction and management as the city council may make with a view to the protection of any person or property from fire, or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Partition walls,
fences, etc.

Thirty-seventh, To determine and regulate the construction of division or partition fences, and of partition walls, the walls [of] buildings and their thickness; to regulate the construction of chimneys, hearths, fire-places and fire arches, ovens, and the putting up of stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fire; to compel and regulate the cleaning of chimneys, flues, and fix the fees therefor; to compel and regulate the construction of ash houses for depositories; to guard against fire; to compel the owners of buildings to have scuttles in the roofs thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and inclosures to discover whether the same are in a dangerous and unwholesome state, and to cause

such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires and to compel persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Thirty-eighth, To provide for taking a census of the inhabitants of said city whenever the city council may see fit; to erect and provide for the erection of all needful buildings and offices for the use of the city and its officers, and to control and regulate the same, to provide for printing and publishing matters provided to be printed and published under this act or by order of the city council, to purchase and control land for cemetery purposes either within or without the corporation limits of the city; Census.

Thirty-ninth, To provide for the protection and care of indigent persons and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city; Indigent persons.

Fortieth, To prevent and regulate the sale, giving away or keeping for sale of toy pistols and all other toy instruments and devices in which gunpowder or other explosive material is used, and to prohibit the use of slings and devices commonly called "bean-flippers" and "blow-guns;" Toy pistols, etc.

Forty-first, To provide for and regulate the planting of shade and other ornamental trees in the public highways, streets and avenues of said city, to protect the same from injury and to protect the shade trees in the public streets, highways, alleys, parks and public grounds of said city from injury and destruction; Shade trees.

Forty-second, To permit the construction and operation of street railways in said city and to regulate the same; Street railways.

Forty-third, No exclusive permits or privileges shall be granted by the council to any person or persons, or to any corporation for any purpose whatever; Exclusive permits.

Forty-fourth, Further, said city council shall have authority to enact all ordinances and make all regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof, and the protection of property therein, and to enforce the same by suitable fine, penalty, costs or imprisonment, or by fine and imprisonment, or by fine, imprisonment and costs. Further power of council.

SEC. 28. The city council may prescribe the terms, conditions and time, not exceeding one year, upon which licenses may be granted, and direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable. Every license shall be revocable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding Term of licenses.

Not transferable.
Revokable.

Penalties.

such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. The city council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of said council or by this act. All sums received for licenses granted for any purpose by the city under its authority shall be paid into the city treasury to the credit of the general fund.

Railroad companies, etc.

SEC. 29. The city council of said city shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets or highways, or alleys of said city, as said council may deem expedient, upon such terms and conditions and subject to such regulations, to be observed by the company, as the common council may require; and to prohibit the laying of such track or operating of any such road except upon such terms and conditions.

Power of council as to railroad companies.

SEC. 30. The city council shall have power to require and compel any railroad company, and any street railway company, to make, keep open, and repair, such ditches, drains, sewers and culverts, along, under, and across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council may direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the direction of the said council said council may cause the work to be done at the expense of such company, and the amount of such expense may be collected of such company at the suit of the city of Ishpeming, in a civil action brought before any court having jurisdiction of the case.

Cemeteries and grounds.

SEC. 31. Said city may acquire, hold, own, control and regulate such cemeteries and grounds for cemeteries or public burial place or places, either within or without the limits of the corporation, as in the opinion of the city council shall be necessary for the public welfare. Said council shall have power to order the use, for burial purposes, of any burying-ground or cemetery belonging to the city, to be discontinued whenever they shall deem the same necessary; and to provide for the return of bills of mortality and burial statistics.

When advisable to vacate streets.

SEC. 32. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground or any part thereof they shall, by resolution, so declare and in the same resolution shall appoint a time not less than four weeks thereafter, when they will meet and hear objections thereto. Notice of such meeting, with a copy of such resolution, shall be published for not less than four weeks before the time appointed for such meeting in one of the newspapers of said city. Objections to such proposed action of the council may be filed with the recorder in writing, and if any such objections shall be filed, the street, alley or public ground, or any part

thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

SEC. 33. The common council shall have and exercise in and over said city the same powers in [relation] relations to the regulation of taverns, groceries, common victualers, and saloon keepers, as are now or may hereafter be conferred by the general laws of this State upon township boards or upon corporate authorities of cities and villages, as general laws of this State now in force or which may hereafter be enacted in relation to the [regulation] regulations of taverns, groceries, common victualers and saloons shall be made applicable to the city unless otherwise limited. Any person who shall engage in or exercise the business of saloon keeper within the limits of said city until he is first licensed as such by the common council, and any person who shall assume to exercise such business or occupation without having first obtained such license, shall be deemed to have committed a misdemeanor and upon each and every conviction therefor shall be fined and imprisoned as may be provided for in ordinances of the city to carry into effect this provision. The common council shall have the power to regulate and license all such taverns, houses of public entertainment, saloons, restaurants, and eating-houses. Taverns, etc.

CHAPTER VII.

ORDINANCES AND RESOLUTIONS.

SECTION 1. The style of all ordinances shall be, "Be it ordained by the common council of the city of Ishpeming." Style of ordinances, etc. All ordinances shall require for their passage a concurrence of a majority of all the aldermen elect. The time when any ordinance shall take effect shall be prescribed therein. Such time when the ordinance imposes a penalty shall not be less than twenty days from the day of its passage.

SEC. 2. When, by the provisions of this act, the council of said city has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days, or both in [the] discretion of the court, together with the costs of prosecution, for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any term not exceeding ninety days, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in [the] county jail of the county of Marquette or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprisonment for the violation of any ordinance shall be prescribed therein. May prescribe fines, penalties, etc.

SEC. 3. No ordinance shall be amended unless the whole, or Limit of fine. To be re-enacted.

so much as is intended to be amended, shall be re-enacted. When any section of an ordinance is amended, the whole section as amended shall be re-enacted.

Must be filed.

SEC. 4. All ordinances when approved by the mayor, or when regularly enacted, shall be immediately recorded by the recorder, in a book to be called "The record of ordinances," and it shall be the duty of the mayor and recorder to authenticate the same by their official signatures upon such record.

Ordinances to be published.

SEC. 5. Immediately after the passage of any ordinance, the same shall be published one week in the official paper of the city, designated as such by the common council, and the recorder shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinance a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that the legal publication of such ordinance has been made.

Judicial notice of, etc.

SEC. 6. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken, of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the council thereof, the same may be read in all courts of justice, and in all [proceedings] proceeding:

First, From a record thereof kept by the recorder;

Second, From a copy thereof, or of such record thereof, certified by the recorder under the seal of the city;

Third, From any volume of ordinances purporting to have been written or printed by the authority of the council.

CHAPTER VIII.

ENFORCEMENT OF ORDINANCES.

Prosecutions for violations of ordinances.

SECTION 1. Prosecutions for the violations of the ordinances of said city shall be commenced within two years after the commission of the offense; and shall be brought within the city, if the court thereof have jurisdiction, otherwise in the circuit court for Marquette county.

Action of debt.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, or of this act, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

SEC. 3. Such action shall be brought in the name of the city of Ishpeming, and shall be commenced by summons. The form, time of return, and service thereof, the pleadings, and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he is discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

Action to be in name of city, how commenced.

SEC. 4. Prosecutions for the violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by a warrant for the arrest of the offender.

By warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses and in the rendition of judgment, and the execution thereof shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

In the name of the people.

Proceedings.

SEC. 6. If the accused shall be convicted, the court shall rule judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance or provision of this act violated, as the nature of the case may require, together with the costs of prosecution.

Judgment.

SEC. 7. Every such judgment shall be enforced by virtue of an execution or warrant of commitment specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall be [issue] issued immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall [issue] issued at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and [costs] cost imposed. In cases where a fine, and imprisonment in default of the payment thereof, or

How executed.

Commitment.

where imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

Use of jail.

SEC. 8. Said city shall be allowed the use of the jail of the county of Marquette, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act; and any person so liable to imprisonment, may be sentenced to and committed to imprisonment in such county jail, or the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff, or other keeper of such jail or place of confinement or imprisonment, shall receive and safely keep any person committed thereto [as] a aforesaid, until lawfully discharged.

Process, to whom directed.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the marshal, chief of police, or policeman of the city, and may be executed in any part of the State by said officers.

Setting forth ordinance in complaint, etc.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof, in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its passage or the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to the time and place, the act or offense complained of, and to allege the same to be a violation of the ordinance of the city, referring thereto by its title and the date of its passage and approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Statement of cause of action.

Trial by and forming a jury.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons; and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any case in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Appeal to circuit.

SEC. 12. Any person convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Marquette, by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of

Proceedings, bond, etc.

the cause in the circuit court, shall be the same as on appeal [and] an *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by *certiorari* into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court of said county shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the recorder. Fines, disposition of.

SEC. 14. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor, and shall be punished accordingly. Penalty for neglect to pay over.

SEC. 15. Fines paid into the city treasury for violations of the ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city. Disposition of fines.
Costs.

SEC. 16. The circuit court of the county of Marquette shall have jurisdiction to hear, try and determine all cases arising under the ordinances of the city for violations thereof when the fine or forfeiture imposed shall exceed one hundred dollars, or where the offender shall be imprisoned for a term exceeding ninety days. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties, shall apply. Circuit Court to have jurisdiction.

Concurrent jurisdiction.

SEC. 17. The [justices] justice of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section, but they shall not render judgment for more than one hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof, nor shall they sentence to imprisonment for a longer period than ninety days.

Security for costs.

SEC. 18. In all prosecutions for [violations] violation of the ordinances of the city, commenced by any person other than an officer of the city, the court shall require the prosecutor to file security for the payment of the [cost] costs of the proceedings, in case the defendant is acquitted. And if it shall appear to the court upon the trial of said cause, that said complaint was malicious, or frivolous and without sufficient foundation, he shall so certify in his minutes of the trial of said cause, and record the same in his docket, and shall assess said costs against the complainant and enter judgment for the same both against said complainant and his surety for costs therein. Male and female shall alike be subject to fine and imprisonment for violation of the city [ordinances] ordinance.

CHAPTER IX.

SEWERS AND DRAINS.

May construct sewers, etc.

SECTION 1. The council of said city may establish, construct and maintain sewers and drains, whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city, and may regulate and maintain those already constructed, and may make the necessary [expenditure] expenditures to improve Carp river from the limits of the city, to [the] Deer lake falls by removing obstructions and cleaning out the channel thereof, for the purpose of improving the outlet for the sewerage and sanitary condition of the city, and private property or the use thereof may be taken therefor in the manner prescribed in this act for taking such property for public use; but in all cases where the council may deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

Committee to have charge of.

SEC. 2. The proper committee of the common council or board of public works, if established, shall have the care and management of all sewers and drains and the charge of their construction.

Plan of drainage.

SEC. 3. Whenever it shall become necessary in the opinion of the council to provide sewerage and drainage for the city, or any part thereof, it shall be their duty to so declare by resolution, and shall therein direct the proper committee or board of public works to report a plan of sewerage and drainage for the whole city, or for such part thereof as they shall determine.

Division into districts.

SEC. 4. Such plans shall be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary

branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. [Plat] Plats or diagrams of such plan, when adopted, shall be filed in the office of the recorder.

SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with the main sewer, and such [lands] land as in the opinion of the council will be benefited by the construction thereof. When deemed necessary special sewer districts, to include one or more local or branch sewers, and such land as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Subdivision of districts.

SEC. 6. The cost and expense of the construction and maintenance of one trunk sewer, or two if one be insufficient, connecting with the Carp river, and extending thence to that point within the limit of the city nearest Carp river at [or about the railroad crossing at the west end of Division street, at] which branch sewers can be connected, to serve exclusively as a common stream for the gathering of the entire sewerage system of the city, also all such main, lateral or service sewers as may be constructed for the exclusive use of the public buildings or property of the city shall be paid for from the general sewerage fund. Such part as the common council may determine, not exceeding one-half of the cost and expense of any other main sewer in the city, may also be paid for from the general sewer fund, provided the same be of service to all parts of the city in common, or in part for the use or benefit of public buildings or property of the city, and the proportion of the cost and expense of such main sewer, so to be paid for from the general sewer fund shall be arrived at by the estimated proportion of benefit and service common to the whole city given by the construction of such main sewer. The remainder of such costs and expenses of such main sewer as may thus be partly paid for out of the general fund and also the cost and expenses of any and all other main sewers and all lateral, branch, and local sewers, constructed within the city, or within any special sewer district, shall be defrayed by special assessment upon all taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively, from the construction of such main, lateral, branch, or local sewer. In no case shall the cost and expense of the construction of any main sewer be paid for from the general fund, except the construction thereof shall be in the proportion paid for of benefit to the property of the entire city and of use and service to all property in common.

Main sewer, cost of, etc.

SEC. 7. Before proceeding to the construction of any district sewer, the committee, or board of public works, by direction of the common council, shall cause a diagram and plat of the whole sewer district to be made showing all the streets, public grounds, lands, lots, and subdivisions thereof in the

Plat of district.

district and proposed [route] rout and location of the sewer; and the depth, grade, and dimensions thereof, accompanied by an estimate of the cost thereof, and report the same to the common council, and the recorder shall give notice by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct said sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Resolution
concerning.

SEC. 8. When the council shall determine to construct any such district sewer, they shall so declare by resolution designating the district, and describing by reference to the plat and diagram thereof mentioned in the preceding section, the [route] rout and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits, and the proportion to be paid from the general sewer fund and to be defrayed by special assessment when so determined, shall be final and conclusive; and they shall cause such plat and diagram as adopted to be recorded in the office of the recorder in the book of sewer records.

Special assess-
ments.

SEC. 9. Special assessments for the construction of sewers shall be made by the board of assessors in the [manner] manor provided in this act for making special assessments.

Private drains
may be required.

SEC. 10. Whenever the council shall deem it necessary for the public health, they may require the owners or occupants of lots and premises, or subdivisions of lots within the city, to construct private drains therefrom to connect with some main sewer or drain and thereby to drain such lots and premises; and the council may also require such owner or occupant to keep such private drain or sewer in repair and free from obstructions and nuisances, or to order the same to accomplish such purpose; and if such private sewer or drain be not so constructed, altered, repaired, and kept free from obstructions and nuisances as required by the common council, the council may direct the work to be done by the proper officer of the city at the expense of such owner or occupant, and such cost and expense may be assessed on such lot or premises and shall become thereby a lien thereupon and the same may be collected by special assessments to be levied thereon or the same may be collected in the same manner upon the general tax roll of the city, as certain special assessments authorized by this act may be collected, or the same may be collected by suit in the name of the city of Ishpeming against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount and in every such action a declaration upon the common counts for money, labor, and materials furnished shall be sufficient.

Rights of owners.

SEC. 11. The owners or occupants of lots and premises shall have the right to connect the same at their own expense, by

means of private drains, with the public sewers and drains, under such rules and regulations as the common council shall, by ordinance, prescribe. The city council shall have power to direct and regulate all house connections with any public sewer, and may provide by ordinance for the punishment of persons violating such regulations, or any other regulations or ordinance in relation to sewers or sewerage; any person or officers of the city, under the direction of the city council, shall have the right and are hereby authorized to inspect any premises, house or other building, for the purpose of examining the sewerage or sewer connections, or to repair, alter, or construct any sewer or drain which any owner or occupant has failed or neglected to do, after having been so as aforesaid directed to do so by said council.

House connections, etc.

SEC. 12. The said city council may provide for the levying and collecting of an annual tax, for the purpose of constructing and keeping public sewers and drains in repair.

Sewer tax.

SEC. 13. The expenses of repairing public sewers, ditches, and water-courses, may be paid from the general sewer fund, or in part from such fund and in part by assessment upon property benefited as the council shall determine. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Repairs, etc.

SEC. 14. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers and to carry into effect the powers herein conferred in respect to drainage of the city.

Ordinances for.

CHAPTER X.

FINANCES AND TAXATION, AND THE COLLECTION OF TAXES.

SECTION 1. The fiscal year of the city shall commence on the first Monday of April in each year, unless otherwise provided by ordinance. The common council shall have the power and authority, within the limitation herein prescribed, to raise annually by taxation upon the real and personal property of said city, taxable under the constitution and laws of this State, such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted.

Fiscal year.

Power to raise taxes.

SEC. 2. The revenues raised by general tax upon all property within the city, or by loan, to be re-paid by such tax, shall be divided into the following general funds:

General tax.

First, Contingent fund, to defray the contingent and other expenses of the city for the payment of which from some other fund, no provision is made;

Contingent fund.

Second, Fire department fund, to defray the expense of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

Fire department fund.

Water-works
fund.

Third, Water-works fund, to defray the [expenses] expense of constructing pipes, mains, water-works buildings, providing for the maintaining supplies of water, and for maintaining the water-works system of the city;

Street fund.

Fourth, Street or highway fund, to defray the expenses of opening, widening, extending, altering, and improving streets, [alley] alleys and public grounds; for cleaning and repairing the same and for the construction and repair of cross-walks;

Sewer fund.

Fifth, General sewer fund, to defray the expenses of constructing such public sewers as may be constructed out of such fund, and the improvement, repair, and maintenance thereof, and of such parts of the sewerage system of the city as may be repaired and maintained at public expense;

Other general
funds.

Sixth, Such other general funds as the council may from time to time constitute.

Special assess-
ments.

SEC. 3. The revenues and moneys raised by special assessment and taxation in special districts of the city, shall be divided into the following funds:

District sewer
fund.

First, A district sewer fund, for each main sewer district, for the payment of the cost and expenses of sewerage and drainage in and chargeable to the main sewer districts respectively, when the city shall be divided into such districts;

Special assess-
ment funds.

Second, Special assessment [funds] fund, any money raised by special assessment, levied in any special assessment district, to defray the expenses of any work, improvement or repair, which shall be under this act or under any ordinance of the common council, to be paid for by special assessment, shall constitute a special fund for the purpose for which it was raised, and whenever any special assessment shall be ordered by the common council and ordered to be levied or collected as provided for in this act, any money that may have been appropriated by the common council out of any general fund, for defraying in part the expenses of such particular work or improvement shall be transferred to said special fund. Whenever a balance of money shall remain in any special fund after payment in full of the expenses and cost of the work or improvement for which the same was raised and no further occasion shall remain for the use of such balance for the particular purpose aforesaid, such balance may be transferred by vote of the council to the contingent fund by a vote of two-thirds of all the members of the council.

May borrow
money.

SEC. 4. To enable the common council to fully and effectually carry out and perform all the powers conferred upon it by this act, and if the council shall deem it necessary for the city to borrow money for any legal and legitimate purposes contemplated or permitted by this act, the question of making such loan, shall be submitted to the qualified electors of said city who are liable to pay a tax therein, at some annual or special election called for that purpose, in the same manner as other special elections are called under this act. Before such loan shall be authorized and the election be held for that purpose the council shall, by a vote of two-thirds of the mem-

Must be sub-
mitted to vote.

bers elect, declare by ordinance or resolution, the necessity for such loan, the amount proposed to be borrowed, and the purpose thereof definitely and distinctly, and they shall direct the recorder to post, and the recorder shall post written or printed notices of the election called or to be held at which the vote is to be taken upon the question of such loan, specifying:

First, The declaration by the council;

Second, The amount of the loan;

Third, The purpose or purposes definitely and distinctly for which the money borrowed is to be used, which notices shall be posted at least ten days before the day of election in three public places in each ward of the city. The council shall also provide by the same or previous resolution or ordinance, the manner of voting upon the question of borrowing the money, and shall specify and describe the kind of ballot to be used for affirmative and negative votes thereon. The votes cast at such election shall be canvassed and the result certified and determined in the same manner as the result of other votes at other elections are canvassed and returned, under the provision of this act. The total indebtedness of the city for all purposes, except fire department, sewers and water-works, shall never exceed at any one time the sum of thirty-five thousand dollars. The total indebtedness for all purposes shall never exceed at any one time five per cent of the assessed valuation. No [obligations] obligation of the city heretofore issued shall be in any manner impaired by anything contained in this act, but the time of any loan heretofore made by said city for a term not exceeding ten years which may have been limited in duration by the [provisions] provision of the city charter heretofore existing may be hereunder extended by the common council in accordance with the provisions hereof for such reasonable period of time as the council may determine. No bonds of the city heretofore issued shall be held void by reason of any limitation upon the time of payment thereof heretofore existing.

Total indebtedness.

Obligations not impaired.

SEC. 5. Whenever any money shall be borrowed by the city bonds, bonds shall be issued therefor and shall be signed by the mayor and recorder.

SEC. 6. It shall be the duty of the common council in the month of September in each year and on or before the adoption of the general appropriation bill, hereinafter provided for, to cause estimates to be made of all expenditures, which will be required to be made from the several general funds of the city during the current year, for defraying the current expenses of the year, for the payment of debts, the making of repairs and improvements and for every other purpose for which any money will be required to be paid from any of the several general funds of the city during the current year, and the council may also estimate and determine the amount required to be paid from any special or district fund which the council may create.

Estimates to be made.

SEC. 7. The council may also at the same time determine the amount of any special assessment, which they require to be

of special assessments.

levied, assessed or re-assessed in the next general tax roll of the city upon any parcel or parcels of land or against any particular person or persons.

Annual appropriation bill.

SEC. 8. It shall be the duty of the common council on or before the last Saturday in the month of September in each and every year to pass or adopt a resolution to be known as an annual appropriation bill, in which the council shall make provision for and propose the several amounts required to defray the expenditures and liabilities of the corporation for the current year, payable from the several general funds, as estimated and determined upon by the council under the [provisions] provision of section 6 of this chapter, and also, if the same shall have been determined, to provided in the same resolution for the appropriation of the amounts which may have been determined upon under the provisions of section seven of this chapter for expenditure from any special or district fund. In such resolution of appropriation, the council shall order the said amounts to be appropriated from the general funds, or so much thereof as may be necessary to be raised by tax in the next general tax levy, and to be paid into the several general funds provided for in this act, and shall direct the assessment, levy and collection of such special or district funds, in the manner provided in this act, same to be paid into the special fund of the city for which the same was raised. The council shall specify in such resolution the objects and [purposes] purpose for which said appropriations are made, the amount appropriated for each object and purpose, and the general fund to which the same belongs. The council shall also designate in such appropriation resolution the sums, if any, required to be levied to meet any deficiency for the current year and the amount and part of any special assessment or other sum which they require to be levied or re-assessed upon the general assessment roll for the year, and collect the same with the general taxes as provided for in chapter eleven of this act, and the disposition to be made of such moneys; and they may also designate in said resolution any local improvement which they deem advisable to be made during the current year, to be paid for in part or in whole by special assessment, and the estimated cost thereof.

To specify objects of.

Limit of general tax.

SEC. 9. The aggregate amount which may be raised by general tax upon the taxable real and personal property of the city, for the purpose of defraying the general expenses and liabilities of the corporation and for all purposes for which the several general funds mentioned in section three of this chapter are constituted except for streets and highways, shall not exceed in any one year three-fourths of one per cent on the assessed [valuation] value of all the taxable real and personal property in the city. The amount which the council may raise by general tax for highway and [streets] street purpose shall not exceed, in any one year, three-fourths of one per cent of the assessed valuation of all the taxable real and personal property of the city. The amount raised for highway and street purposes, to be raised by general tax, shall be placed upon the assessment roll in the column of "highway taxes."

Limit of highway tax.

SEC. 10. After the adoption of the annual appropriation resolution, no further sum shall be used, raised, or appropriated, nor shall any further liability be incurred for any purpose to be paid from any general fund during the year for which such appropriation was made, unless the proposition to make such appropriation shall be sanctioned by the unanimous vote of the common council approved by the mayor, and then not in excess of the unappropriated moneys in the particular fund for which such payment or appropriation was to be made. The provision of this section shall not apply to a loan of money by the city upon a vote of the qualified electors of the city, as elsewhere provided for in this act. But this section shall not prohibit the council from making any necessary repairs or expenditures at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident happening after making the annual appropriation for the year and for which the council upon a vote of two-thirds of the members elect may, if necessary, borrow money at a rate not exceeding six per cent per annum, which loan shall be represented by the bonds of [this] the city to be signed by the mayor and recorder.

Use of further sums prohibited.

Exception.

Necessary repairs, etc.

SEC. 11. No improvement, works, repairs or expense, to be paid for out of any general fund, except the contingent fund, nor from any special assessment or district fund, except as may be herein otherwise provided, shall be ordered, commenced, contracted for, or incurred, nor expenditures made or money paid out of any such fund, except as may have been herein otherwise provided, unless in pursuance of an appropriation especially made therefor in the last preceding annual appropriation, nor shall any expenditure be made or liability be incurred in any such year for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor.

Expenditures to conform to appropriation bill.

SEC. 12. Should any greater amount be required in any year for any public improvement, or for any purpose to be paid for from the funds of the city than shall have been appropriated by the common council or for which no appropriation shall have been made by the council in its last annual appropriation resolution, then in such case, if the council deem the necessity [therefor] thereof urgent, and shall so declare by resolution as provided in section fourteen of this chapter the question of appropriating or raising such additional amount may be submitted to the qualified electors of the city at a special election thereof, or at the annual spring election, in the same manner and with like notices and by like [vote] votes as is elsewhere provided in this act, for loaning of money by vote of the electors. The amount so to be raised shall be provided for in said resolution to be raised by special tax as aforesaid, but the amount that may be raised or voted in any one year, under the provisions of this section, as a special tax, shall not exceed one-fourth of one per cent of the assessed valuation of the taxable real and personal property in the city as shown by the last preceding tax roll.

Electors may vote to increase appropriation.

Limit of.

Two-thirds vote.

SEC. 13. The proposition to raise or appropriate such additional amount shall be authorized by a two-thirds vote of the members elect of the common council and the resolution shall state the purpose of the proposed expenditure and the amount so to be raised by special tax. If such special tax be authorized, the amount thereof shall be verified and collected by placing the same in the column of special taxes in the next general assessment roll.

Funds to be kept separate.

SEC. 14. All money and taxes raised, loaned, or appropriated for the purposes of any particular fund shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other, nor shall the money belonging to one fund be transferred to any other fund nor be applied to any purpose for which such other fund is constituted except where there shall be a surplus in any general fund at the time of the adoption of the annual appropriation resolution. In such case, the surplus may be transferred to the sinking fund or contingent fund as the council may direct by resolution, adopted by a two-thirds vote of all the members elect. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Surplus.

Unappropriated moneys.

Auditing of accounts, etc.

SEC. 15. On or immediately before the last day of February on each year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also of all persons having claims against the city or accounts with it not previously audited so far as the same may be practicable, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the common council, the objects and purposes for which the same were made and the amount of money expended under each; the amount of taxes raised for the general contingent expenses; the amount raised for each of the general funds; the amount raised by special assessment, the amount collected on each, and the purpose thereof; the amount of money borrowed by the city and upon what time and terms and for what purposes, also the items and amounts received from all other sources during the year, and the objects thereof. Said statement shall also show the amount and items of all indebtedness outstanding against the city, to whom payable, and with what rate of interest, the amount of salary or compensation paid or payable to each officer of the city for the year and such other information as shall be necessary to a full understanding of all financial concerns of the city. Said statement, signed by the mayor and recorder, shall be filed in the office of the recorder and a copy thereof published in one of the newspapers of the city.

Statement of receipts, etc.

Statement of indebtedness, etc.

Duty of assessor.

SEC. 16. The assessor in said city shall in each year, on or before the third Monday in May, make and complete an assessment of all the real and personal property within the city, liable to taxation, under the constitution and laws of this State,

and of all the property of any person liable to be assessed therein, in the same manner as is required by law for the assessment of property in the townships of this State and in so doing, in all respects, as near as may be, conform to the provisions of the law governing the powers and duties of supervisors in the townships of this State, in the assessment of property and the levying of taxes and the issue of warrants for the collection and return thereof.

SEC. 17. The members of the common council or a majority of them, when assembled at the common council rooms for that purpose, shall constitute the board of review of assessments and they shall, as such board, perform all the duties and possess all the powers of boards of review in townships under the general laws of this State. Said board of review shall meet at such times and as often and shall continue in session for such time as is required of boards of review in townships: *Provided*, That such board shall at its last meeting continue in session from day to day until the review of the assessment roll of the city shall be complete. Notice of such meetings of the board of review shall be posted in two public places in each ward of the city for six days preceding the day of meeting.

Board of review.

When to meet.

Notice of.

SEC. 18. When the assessment roll for said city is complete and shall be returned by the assessor and by him presented at the next annual meeting of the board of supervisors of the county of Marquette, and at such other times as the assessment rolls of townships, under the general laws of this State, are required to be produced at any meeting of said board of supervisors for equalization or for any purpose prescribed by the law; and said assessor shall be entitled to the same notice of such meetings of the board of supervisors that supervisors are or may be entitled to and in like manner and with like effect and said assessment roll shall be equalized in the same manner as the assessment rolls of townships are equalized, subject to the general provisions of this act, and when so equalized it shall be returned to said assessor in the same manner as provided for in the general laws for the return of assessment rolls to the supervisors of townships. When said assessment roll shall be returned to the assessor, it shall be the duty of said assessor to extend all taxes as may be required under the provisions of this act, and further to do all acts, perform all duties, and possess like powers with relation to the extending of the tax roll, not inconsistent with the provisions of this act, but in accordance therewith as is now or may be provided under the general laws of this State governing the assessment rolls in townships in the hands of supervisors thereof. The assessor shall have the right to debate on said board of supervisors with regard to any tax or assessment roll, but shall have no vote on said board of supervisors.

Equalization of rolls.

SEC. 19. The assessor in said city shall complete the tax roll of said city in the manner required in the case of township tax rolls and deliver the same, with his warrant thereto attached, to the city treasurer, within the time prescribed by law for the

Assessor to complete roll, etc.

Proviso.

completion and delivery of the township tax roll to the respective township treasurers of this State, and the warrant of the assessor annexed to the said tax roll, as aforesaid, shall have the same force and effect as the warrants of the supervisors of the several townships required by law to be annexed to the tax rolls of the several townships of this State: *Provided*, Security has been given by such city treasurer as required by law, or in this act provided; but if such security shall not have been given by such city treasurer in the manner and in the time required, the common council shall immediately appoint some suitable person who shall give the required security to collect such tax roll, who shall be styled a collector, and the person so appointed shall thereupon be entitled to receive said tax roll, and shall collect and pay over such taxes and make return of his [doing] doings thereon in the same manner, and shall have all the power, and shall perform all the duties and be subject to the same liabilities in this act conferred upon the city treasurer of said city for the purpose of the collecting, the returning and the paying over the said taxes.

Fees for collection.

SEC. 20. For the collection of all such taxes the city treasurer, or any other person appointed to collect the same, shall be entitled to receive such percentage as is or may at the time be allowed by law to township treasurers for the collection of taxes. The said treasurer shall collect the tax roll put into his hands by the assessor within the same time and in the same manner that the several township treasurers of this State are required to collect their tax rolls, and he shall make his return to the county treasurer within the same time and in the same manner as township treasurers, and he shall possess all the powers and perform all the duties of township treasurers of this State as prescribed by law, which are not inconsistent with this act.

Poll tax.

SEC. 21. The common council shall have power to assess and collect from every male inhabitant of said city over the age of twenty-one and under the age of fifty years, except paupers, idiots and lunatics and persons otherwise exempted by law, an annual capitation or poll-tax, not exceeding one dollar, and they may provide by their by-laws for the collection of the same: *Provided*, That any person assessed for a poll-tax may pay the same by one day's labor upon the streets, under the direction of the street commissioner, who shall give to each person so assessed and electing to pay for the same in labor, notice of the time and place when and where such labor shall be required; and the money raised by such poll-tax, or labor in lieu thereof, shall be expended or performed under the direction of the common council.

Proviso.

State taxes, etc., how raised.

SEC. 22. All State, county, and school taxes in said city and all city taxes which shall be raised by general tax, shall be levied and collected as near as may be in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale and redemption of real estate for the non-payment of

taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate by township officers, except as herein otherwise provided.

SEC. 23. It shall be the duty of the city recorder, on or before the first Monday of October in each year, to furnish to said assessor a certified statement of the amount of taxes to be raised in the city for the current year as appears in the resolution of the corporation adopted by the common council, as provided in section eight of this chapter. Such statement shall specify the different funds for which such taxes are to be raised, distinguishing what shall be raised for the several general funds, naming the amount of each, and what, if any, shall be placed in the assessment roll for the current year for special assessments, as determined by the council in its resolution, if passed, as provided for in section seven of this chapter; and in case of any such special assessment amount, if the same is to be collected upon the assessor's roll for the collection of general taxes, the statement shall specify the special assessment district in which such special assessments are to be levied; but in respect to such special assessments the manner of certifying the same shall be governed by the general provisions of chapter eleven of this act. The recorder shall also at the same time deliver to said assessor a certified statement of any special tax required to be raised upon the assessment roll for that year. The assessors shall lay the statements received by him from the recorder before the board of supervisors of Marquette county at its annual meeting each year, and he shall levy such taxes as the same are authorized by the said board of supervisors at said annual meeting. Duty of recorder

SEC. 24. The taxes so levied for city purpose and all other purposes shall be and remain a lien upon the property upon which the same was levied or assessed, in the same [case] cases, to the same extent, and in like manner as the taxes required by law to be levied on property in the several townships of this State are liens upon such property and all provisions of law respecting the return and sale of property for the non-payment of such city and other taxes shall apply to the return and sale of property for the non-payment of such city and other taxes, except as herein otherwise provided. Taxes a lien.

SEC. 25. No general or special tax assessed in said city, upon any property therein, shall be held invalid for the purpose of collecting the same for want of any matter or thing not effecting the merits thereof; nor shall any excess of tax render any sale of personal property invalid, unless the legal amount of tax, costs and charges, be tendered to the officer collecting the same, before sale of such property; and in all cases of sale of real estate for taxes, the same may be redeemed within the time and in the manner, and upon the terms, as provided for in the general laws of this State, and such sale shall have such legal effect as is or may be hereafter given in the general laws to sales of land for taxes; but such sale shall in all cases be presumed *prima facie* to be regular. Tax not invalid, etc.

CHAPTER XI.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

What chargeable
to general fund.

SECTION 1. The cost and expense of the following improvements, including the necessary land therefor, viz.: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, market house and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, lands appropriated for streets and rights of way, shall be paid from the proper general funds of the city. The cost and expense of constructing, repairing and improving pavements and streets, sidewalks, cross-walks, street gutters, alleys and tunnels may be defrayed in whole, or in part, by a special assessment upon lands abutting upon, adjoining, or otherwise benefited by the improvement, or may be paid out of the general highway fund. All assessments may be made as in this chapter provided.

Assessments,
how made,
Board of
assessors.

Compensation of.

When member
not to act.

SEC. 2. There shall be a board of assessors in said city consisting of the street commissioner, the assessor and three other members, who shall be freeholders and electors in the city to be appointed by the council. Their compensation shall be prescribed by the council. Special assessments authorized by this act shall be made by this board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment who, for the purposes of that assessment, shall be a member of the board.

Special assess-
ments by resolu-
tion of council.

SEC. 3. When the council shall determine to make any public improvement or repairs, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from the street district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Council to cause
plans, etc., to be
made.

Notice of im-
provement.

SEC. 4. Before ordering any public improvements or repairs any part of the [expense] expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work, and of the locality to be improved, and deposit the same with the recorder for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvement or work shall be ordered except by the concurrence of two-thirds of the [alderman] aldermen elect.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the cost of surveys, and cost of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land as valued and assessed for State and county taxation in the last preceding ward tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

Costs to include what.

To be limited.

SEC. 6. Special assessments to defray the estimated cost of any improvement shall be levied before the making of the improvement.

Special assessment to be levied before making improvement.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any district, according to the frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to frontage and benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed:

Pro rata assessments.

SEC. 8. Upon receiving such order and directions the board of assessors shall make out an assessment roll, entering and describing therein all the lots, and premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act applicable to the assessment; and when such assessment is completed, they shall report the same to the council.

Board of assessors to make roll.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvements bears to the whole frontage of all lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits they shall assess upon each lot such relative portion of the whole sum to be levied, as shall be proportionate to the estimated benefits resulting to such lots from the improvement.

How assessment to be made.

According to benefits.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land, in an assessment district an account of the labor or services for which such expense was incurred, verified by an officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred and the name of the owner or person chargeable

When on single lot.

therewith shall be reported to the council in such manner as the council may prescribe.

Council to determine amount, etc.

SEC. 11. The council shall determine what amount or part, of every such expense, shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots and premises, and the persons chargeable therewith, respectively, to be reported by the recorder to the board of assessors, for assessment.

Board to make special roll.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid, to be levied upon each of said lots or premises respectively, and when completed they shall report the assessment to the council.

Review of assessment.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the recorder and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks at least in some newspaper of the city of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment, may file his objections thereto in writing with the city clerk.

Notice of review.

Board to review, etc.

SEC. 14. At the time appointed for that purpose as aforesaid the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment, and the council shall correct the same if necessary, and confirm it as reported or correct it, or they may refer the assessment back to the board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the city clerk shall indorse a certificate thereof upon the roll, showing the date of confirmation.

When confirmed to be final.

SEC. 15. When any special assessment shall be confirmed by the council it shall be final and conclusive, but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect.

Assessments a lien.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

Division into installments.

SEC. 17. Upon the confirmation of any special assessment the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent.

SEC. 18. All special assessment, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation. When due and payable.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest, upon all unpaid installments, included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed. Assessment roll for each installment.

SEC. 20. Should any lots or land be divided after special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such appointment when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division. Collection of when lots are divided.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, incident thereto, the council may, within the limitations, prescribe such assessments and make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid. In case of insufficiency or surplus.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity, or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for in the original assessment; and whenever any sum, or any part thereof, levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall, to that extent, be deemed satisfied. In case of invalid assessments.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon. Lien to hold.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the recorder to furnish the city assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said Levy and collection of special assessments.

assessor to levy the several sums so assessed, as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed and against the persons chargeable therewith, as a tax in the tax roll next thereafter to be made, in a column for special assessments, and thereupon the amount so levied in said tax roll shall be collected and enforced with the other taxes in the tax roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid into the city treasurer.

How special assessments may be collected.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the city assessor as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom and thereupon the recorder shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand then to levy and collect the same by distress and sale of the goods and chattels of such person, not exempt from execution, and pay the money so collected into the city treasury, and return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant.

Treasurer to collect.

To seize and levy upon personal property.

SEC. 26. Upon receiving said assessment roll and warrant the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessments upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notice in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five per centum upon the amount of the assessment for the cost and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Moneys to be paid into city treasury.

Return of roll.

SEC. 27. The city treasurer shall pay the moneys and all the percentage collected by him into [the] city [treasurer] treasury. He shall also make return of said assessment roll and warrant to the recorder according to the requirements of his warrant, and if any of the assessments in said roll shall be returned unpaid the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

SEC. 28. Said warrant may be renewed from time to time by the recorder if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the city treasurer as aforesaid, the same may be certified to the city assessor in the manner provided in section twenty-four of this chapter, and shall then be re-assessed with interest included at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the next tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Warrant may be renewed.

Re-assessment with interest.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid will be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all [the] proceedings in making the assessment, and of the right of the city to recover judgment therefor.

May be collected by suit.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises, and the objection of want of jurisdiction of the board of assessors, by reason of their non-compliance with mere formalities, to make such assessment, shall not defeat an action under this section for such sum as justly ought to be paid by the defendant for the improvement.

When assessment not properly made.

CHAPTER XII.

PREVENTION AND EXTINGUISHMENT OF FIRES.

SECTION 1. For the purpose of guarding against the calamities of fires the common council may, from time to time, by ordinance, designate such portions and parts of said city as they shall think proper, within which no buildings of wood shall be erected, and may regulate and direct the erection of buildings within such portions and parts, and the size and material thereof, and the size of the chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars; and every building erected contrary to such ordinance is hereby declared to be a common nuisance, and may be abated and removed in such manner as the common council may prescribe.

Council may designate fire limits.

Buildings to
have scuttles on
roof.

SEC. 2. The common council may, by ordinance, require the owners and occupants of houses and other buildings to have scuttles on the roof of such houses and buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other buildings for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttle and stairs or ladder to be constructed, and may recover the expense thereof, with ten per cent in addition, of the owner or occupant whose duty it was to comply with such ordinance.

Safe deposit for
ashes, etc.

SEC. 3. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the clearing of chimneys, flues, stove pipes, and all other conductors of smoke; and upon the neglect of the owner or occupant of any house, tenement, or building of any description, having therein chimneys, flues, stove pipes, or other conductors of smoke, to clean the same, as shall have been directed by such ordinance, the common council may cause the same to be cleaned, and may collect the expense thereof, and ten per cent in addition, from the owner or occupant whose duty it was to have the same cleaned.

Use of lights in
stables, etc.

SEC. 4. The common council may regulate the use of lights and candles in livery stables and other buildings in which [combustibles] combustible articles may be deposited, and may prescribe the use of lanterns or safety [lamps] lamp in such buildings; and may regulate the transporting, keeping and deposit of gunpowder or other dangerous or combustible materials, and may prevent and regulate the carrying on of manufacturies dangerous in causing or prompting fires, and may authorize and direct the removal of any hearth, fire-place, stove pipe, flue, chimney, or other conductor of smoke, or any other apparatus or device in which any fire may be used or to which fire may be applied, that shall be considered dangerous and liable to cause and promote fires, and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

May authorize
officers to inspect
buildings, etc.

SEC. 5. For the purpose of enforcing such regulations the common council may authorize any of the officers of said city, and may appoint persons, at all reasonable times, to enter into and examine all dwelling-houses, buildings, and tenements of every description, and all lots, yards and inclosures, and to cause such as are dangerous to be put in safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys, or other conductors of smoke, or any other apparatus or device in which fire may be used or to which fire may be applied, and remove and make the same safe at the expense of the owners or occupants of the buildings in which the same may be, and to ascertain the situation of any building in respect to its exposures to fire, and whether any scuttles and ladders thereto have been provided, and generally with such powers and duties as the common

council shall deem necessary to guard the city from the calamities of fire.

SEC. 6. The common council may also establish, maintain, and regulate all such fire-engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire-engines and other implements and instruments necessary to be used in extinguishing fires, and may provide suitable engine houses for such companies, and may appoint from among the inhabitants of said city such number of men willing to accept as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire-engine, hose, hooks, ladders, and other instruments and implements in its charge in good and perfect repair; and it shall be the duty of each fire company to assemble once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire-engine and other implements in its charge, with a view to keeping the same in perfect order and repair; and upon any alarm or breaking out of any fire in said city, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company, and be subject to the orders of the chief engineer or other person for the time being lawfully acting as the chief engineer of the fire department.

Fire companies,
etc.

Rules, etc.

Duty of.

SEC. 7. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire and aid and assist, as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, and for that purpose act as chief of police; and in pursuance of his duties the marshal shall be in all respects obedient to the mayor, alderman, firewardens, or either of them, or such of them as may be present at such fire; and the mayor, or any alderman, may require the assistance of all by-standers in extinguishing such fire, and in the removal, preservation and protection of all property endangered thereby; and in case any by-stander shall willfully neglect to comply with such requirements he shall be punished in the manner provided by the by-laws or ordinances of the common council, who are hereby authorized to pass such by-laws in relation thereto as they may deem necessary.

Marshal to be
present at fires.

Assistance may
be commanded.

SEC. 8. Whenever any person shall refuse to obey any lawful order from any engineer, firewarden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally, any constable, watchman, or any citizen, to arrest such person and confine him temporarily in a safe place, until such fire shall be extinguished; and in the

In case of refusal
to obey.

same manner, such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly.

Chief engineer.

Assistant engineer.

SEC. 9. The firemen of said city shall annually elect one from their own number to be chief engineer, who shall have command of the whole fire department of the city. They shall also, at the same time, elect assistant engineers from their number, and shall appoint a firewarden for each ward of the city, whose powers, duties and compensation shall be prescribed by the common council, and they shall appoint a city watch of one or more persons, not exceeding five, if the common council shall deem it necessary for the safety of the persons and property of the city, their duties and compensation, when in actual service, to be prescribed by the common council.

Firemen exempt from jury and poll-tax.

SEC. 10. Every person belonging to an organized fire company in said city may obtain from the city recorder a certificate to that effect, which shall be evidence thereof; and the members of such company during their continuance as such, shall be exempt from serving on juries and paying a poll-tax in said city.

Compensation for injury.

SEC. 11. The common council may provide suitable compensation for any injury that any fireman may receive to his person or property in consequence of the performance of his duties at any fire.

Buildings may be pulled down.

SEC. 12. When [whenever] any building in said city shall be on fire it shall be the duty, and be lawful for the chief engineer or mayor to order and direct such building or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or against the city therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained. At the expiration of the three months if any such application shall have been made in writing, the common council shall either pay the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, shall proceed to ascertain the amount of such damage, and shall provide for the appraisal, assessment, collection and payment of the same, in the same manner as is provided in this act for the ascertainment, assessment, collection and payment of damages sustained by the taking of lands for purposes of public improvement.

Compensation for.

When owner not entitled to compensation.

SEC. 13. But if it [appears] appear that the building so torn down and damaged would have been destroyed by fire if not torn down, then the owner or occupant shall be entitled to no compensation therefor from said city, and if said building was occupied by a tenant at the time of its destruction as aforesaid, he shall not be liable in any damages whatsoever to the owner or lessor thereof at or before the expiration of his lease, the covenants and agreements in any lease or agree-

ment between such owner, lessor and tenant, to the contrary notwithstanding.

SEC. 14. The common council may purchase one or more steam fire-engines, as shall be deemed expedient, and organize a paid fire department, and shall have full power to provide for paying for the same, and maintaining such fire department with the necessary apparatus and hose, carts, hose companies and buildings that may be necessary, proper and convenient. The total taxes in any one year for maintaining the fire department shall not exceed one-half of one per cent on the assessed valuation of said city in addition to the other taxes provided for in this act.

May purchase steam fire-engines.

Limit of tax.

SEC. 15. Whenever the council shall so determine under the provisions of section sixteen of chapter fourteen of this act and shall in pursuance with such determination so enlarge the powers and duties of the water board as to create it a board of public works, then such board shall have charge of the granting of building licenses under the provisions of this chapter, and upon the creation of such board the erection of all buildings within the fire limits, established under the provisions of this chapter, shall be first licensed by such board of public works and a certificate therefor procured from said board specifying the location, architecture and materials of such proposed building or structure, before the same shall be erected. In case of the creation of such board of public works, as provided, the common council shall have full power to prescribe by ordinance the duties and compensation of such board with reference to the regulation of building within the fire limits of the city, and all such other duties as may properly be performed by such board under the provisions of this act and as may be necessary to carry into effect the provisions hereof and of the ordinances of the common council.

Board of public works.

Duties and compensation of.

CHAPTER XIII.

PUBLIC HEALTH.

SECTION 1. The common council of said city may constitute a board of health for said city, and may appoint a competent physician to be health officer thereof.

Board of health.

SEC. 2. The said board of health shall have power, and it shall be their duty, to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine for that purpose, every person coming from any place infected or believed to be infected with such disease; to establish, maintain, and regulate a pest-house, or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, who is not an inhabitant of this State, and who shall be, or be suspected of being, infected with any such disease, to be sent to such pest-house or hospital, if the health physician and two other physi-

Power and duty of.

cians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the preservation of the public health; to remove from the city or destroy any furniture, wearing apparel or goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence or which shall be, or be likely to pass into such a state as to generate or propagate disease; to abate all nuisances of every description, which are or may be injurious to the public health, in any way and in any manner they may deem expedient and from time to time to do all acts, make all regulations and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in the city, and to carry into effect and execute the power hereby granted.

Drainage, etc.,
of unwholesome
places,

SEC. 3. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper for the filling up, draining, cleaning and regulating any grounds, yards, basins, slips, or cellars, with the said city that shall be sunken, damp, foul, incumbered with filth, and for filling and altering or amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and cleanliness of the city to be executed and done at the expense of the city corporation, on account of the persons respectively on whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold, in case of non-payment, in the same manner as is provided by law in respect to other public improvements within said city, and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvements.

Removal of un-
safe structures,

SEC. 4. Whenever, in the opinion of the common council, any building, pole, fence, or erection of any kind, or part thereof, is liable to fall down, and persons or property may thereby be endangered, they may order any occupant or owner of the premises on which such building, fence or other erection stands, to take down the same, or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require, and, in case the order is not complied

with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises or be published in the city paper as the common council shall direct.

SEC. 5. The owner, driver, conductor, or person in charge of any stage-coach, railroad car or other public conveyance, which shall enter the city having on board any person sick of a malignant fever or pestilential or infectious disease shall, within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in said city, to the mayor or some member or officer of the board of health; and any [any] and every neglect to comply with these provisions, or any of them, shall be a misdemeanor punishable with fine and imprisonment.

To report arrival of person sick with infectious diseases, etc.

Penalty for neglect.

SEC. 6. Any person who shall knowingly bring or procure, or cause to be brought into the city, any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease shall be guilty of a misdemeanor punishable by fine and imprisonment.

Bringing infected property into the city, etc.

SEC. 7. Every keeper of an inn or boarding-house or lodging house in the city, who shall have in his house at any time, any sick traveler, shall report the fact and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor or some officer of the board of health; every physician in the city shall report, under his hand, to one of the officers above named, the name, residence, and disease of every patient whom he shall have sick of any infectious or pestilential disease within six hours after he shall have visited such patient. A violation of the provisions of this section, or any part of either of them, shall be a misdemeanor punishable by fine or imprisonment, the fine not to exceed one hundred dollars nor the imprisonment in the county jail not exceeding three months.

Innkeepers, etc., to report sick travelers.

Penalty for neglect.

SEC. 8. The said common council, acting as a board of health, shall have and is hereby vested with all the powers of a township board of health as prescribed in chapter forty-six of the compiled laws of eighteen hundred and seventy-one, in addition to the powers vested in said board of health by the provisions of this act, and all expenses incurred by said board of health shall be paid for in the manner and by the authority prescribed in section fifteen of said chapter forty-six, being section seventeen hundred and six of said compiled laws of eighteen hundred and seventy-one.

Power of board of health.

CHAPTER XIV.

WATER-WORKS, WATER BOARD, DUTIES, ETC.

SECTION 1. The common council shall appoint a board of water commissioners composed of three persons, who shall be

Water commissioners.

Terms of office
of first board.

freeholders and qualified electors of said city. The members first comprising said board shall take the oath [of] office prescribed for city officers within ten days from the date of their appointment, and proceed by lot to determine their term of office respectively, one to serve one year, one for two years, and one for three years, the result to be reported to the common council and recorded with the proceedings of the common council.

One to be chosen
annually.

SEC. 2. Each year thereafter, at the regular meeting of the common council held on the first Wednesday in June, the said council shall appoint or elect one commissioner to serve for three years, and until his successor is appointed and qualified, in the place of the one whose term of office shall then expire.

President.

Executive mem-
ber.

SEC. 3. The board shall elect one of its number president, and one of its number executive member of the board, to act as such until their successors are appointed by said board, and in case of vacancy in either of said offices the board may appoint others. The executive member of said board shall devote whatever time may be necessary to properly and efficiently superintend, carry forward and see executed all work in charge of or under the control of said board, under the direction thereof, and shall prepare plans, specifications, estimates and other work proposed for the consideration of said board.

To superintend,
etc.

Compensation,
etc.

For his services such executive member shall receive such compensation from said city, for such time as he shall actually devote to the duties of his office, as shall be fixed by the common council of said city, payable from the general fund of said city. The other members of said board shall be advisory members thereof and discharge such duties and functions as appertain to the consideration and decision of questions and business before the board. They shall receive such compensation for actual time while attending as members upon the sessions of said board as shall be fixed by the common council of said city, but for no other services or time. The executive and advisory members shall make and verify their accounts for services, and thereupon it shall be the duty of the common council to allow and order payment for said services at the rates fixed by said common council, from the general funds of the city.

Advisory mem-
bers, compensa-
tion of.

Vacancies.

SEC. 4. Vacancies occurring in said board by removal from said city, resignation or otherwise, shall be filled for the unexpired term by appointment of said common council. Said board of water commissioners shall have power to make and adopt all such by-laws, rules and regulations as may be expedient for the conduct of its business and that of the executive member of the board, not inconsistent with this act. The said city shall provide the board with suitable office room for its meetings and business uses, and supply record books, stationery and other things necessary for the transaction of the public business in charge of said board. All accounts for rent and other necessary expenditures by said board shall be presented to the common council, whose duty it shall be to audit

Power of water
commissioners.

Office, records,
etc.

the same, and order paid in like manner as other accounts against said city, on proper proof of the correctness of said account.

SEC. 5. Any member of said board may at any time be removed by the common council of said city for official misconduct or for the unfaithful or inefficient performance of the duties of his office; the proceedings in that behalf shall be entered in the record of its proceedings: *Provided*, That a copy of the charges against such member sought to be removed and notice of the time and place of hearing the same shall be served on him at least ten days previous to the time so assigned and opportunity be given him to make his defense.

SEC. 6. No member of said board shall hold any elective office under the charter of said city during his continuance as a member of said board, and if he shall be elected and qualified to any such office in said city it shall be deemed a resignation of membership, and shall vacate his office in such board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city under the control of said board, nor in the purchase, sale or disposition of any material to be used in or about any public work or improvement, under the control of said board.

SEC. 7. The said board shall have power to construct, repair and maintain reservoirs, buildings, machinery, jets and fountains, at such localities in said city or without said city as the common council may deem expedient and direct, and to lay and repair water mains and pipes in and through all the streets, alleys and public places in said city for the purpose of furnishing a full supply of water for public and private [uses] use in said city.

SEC. 8. All work done under the supervision of said board shall be reported to the common council from time to time and no money shall be paid out of the treasury on account of work so done until the common council shall have instructed the recorder to draw his warrant therefor. It shall be the duty of the board to make a report to the common council in the month of January in each year, which report shall embrace the expenditures for work under the control of the board, and a statement of the condition, progress and operation of said water-works.

SEC. 9. The said board, subject to the approval of the common council, shall annually, in each month of June, fix and assess the water rates to be used for having and using water from said works for the next year ensuing the first day of July; said rates shall be based, as near as may be, upon the water consumed or used by the owner or occupant of each house, building or lot, using water. Such water rates shall, from and after the first day of July, be a continued lien, until paid, upon the lots, real estate, premises on which the water is used and the rates assessed.

SEC. 10. The owner or occupants of lots or premises against which such water shall be assessed shall pay the same at the

Removal.

Proviso.

Not to hold elective office.

Not to be interested in contracts.

Additional powers of board.

Work done to be reported to council.

Water rates.

Unpaid rates to be lien.

When to be paid.

	office of said board half-yearly in advance, on the first day of July and January in each year, and in case of any default in such payment, the said board may collect the same by a suit at law before any court of competent jurisdiction, and shall shut off the water until the same is paid, said suit to be brought in the name of the city of Ishpeming: <i>Provided</i> , That any attempt to collect said rates by any process above mentioned shall not invalidate the lien upon said lot or premises.
Proviso.	
Money to be paid into city treasury monthly.	SEC. 11. It shall be the duty of said board to monthly pay into the city treasury, to the credit of said water fund, all moneys received by it for water rates, or from any other source, and to file a detailed statement thereof with the city assessor; and the said board shall make such reports and furnish such information to the common council as that body shall by resolution or ordinance prescribe.
Rights of board when making surveys, etc.	SEC. 12. The board, by its agents and servants, may enter upon any public or private land or water, either within or without said city, for the purpose of making all necessary surveys, and for maintaining reservoir, pipes, aqueducts and other works or of doing any other act necessary to carry into effect the purposes of this chapter. The board, subject to the approval of the common council, may agree with all persons interested in private property as to the compensation to be paid for using the same for the public use or benefit of said board. In case no agreement can be entered into, the board shall report the facts to the common council, together with a description of the property necessary to be taken and the purposes for which it is to be used, and thereupon the common council may proceed to condemn said property in the same manner as is hereinbefore provided for in that portion of chapter five relative to taking private property for streets and alleys. They shall also have such other and further powers and rights not herein granted as are given to water boards by the general laws of this State, and as are not inconsistent with the powers and rights herein granted.
Condemnation of private property.	
Injury to property, etc.	SEC. 13. If any person shall willfully do or cause to be done any act whereby any work, materials or property whatsoever erected or used within or without said city of Ishpeming by the commissioners or by any person acting under their authority for the purpose of procuring or keeping any supply of water, shall be injured, or shall willfully throw, or place, or cause to be thrown or placed any carcass of any dead animal or person, or any other deleterious or filthy substance whatever in any reservoir, pipe or aqueduct of said water-works, through which water for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed, any such carcass, deleterious or filthy substances in Lake Sally, or do or cause to be done any other act to willfully pollute said water, he shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or imprisoned in the county jail for a period not exceeding one year, or both such fine and imprisonment, at the
Penalty.	

discretion of the court before which the case may be tried. The commissioners shall erect notices of so much of this section as relates to reservoirs and Lake Sally, at conspicuous places near the same, and for this purpose they or their agents shall have the right to enter upon private property.

SEC. 14. If any person shall, without the authority of the commissioners or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main log or aqueduct belonging to said water-works, or cause to be made any connection or communication with said pipes, aqueducts or logs, or meddle with or move the same, or any machinery, apparatus or fixture of the board, or take down or deface any of its notices, provided for in the last section, or cause the same to be done, the persons so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail for a period not exceeding three months, or both such fine and imprisonment at the discretion of the court before which the case may be tried. Any person who shall willfully break or cut any inlet pipe, main distributing pipe, log or aqueduct, used by the commissioners for conducting said water, or shall dig into or break up any reservoir filled or partially filled with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith belonging to said water-works, or cause any of said acts to be done, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or both such fine and imprisonment at the discretion of the court before which the case may be tried.

Injury to pipe,
etc.

Penalty.

Injury to inlet
pipe.

Penalty.

SEC. 15. The common council of said city may provide a system of water-works for said city to protect it against fire and provide the inhabitants with a supply of pure and wholesome water.

Water-works.

SEC. 16. At any time when the common council shall deem it necessary or advisable so to do, they may enlarge the powers and duties of the board of water commissioners, provided for in this chapter, so as to constitute such board of water commissioners a board of public works. In such case in addition to the duties to be performed by said board of water commissioners under the provisions of this chapter, they shall also perform the additional duties of such board of public works, and as such have the management and care of the erection of public buildings; the improvement of public parks, the construction of pavements and other improvements of the streets; the laying of gas pipes and the erecting of telegraph posts, street railways, telephone poles and all other street structures; the erection of buildings within the fire limits of the city, the construction, repair and maintenance of all sewers built or to be built in the city and such other like duties as may arise from time to time for performance by the officers of the city. The common council shall have full power to prescribe by ordinance the

Water commissioners may constitute a board of public works.

Additional duties.

Council to provide duties and compensation.

powers and duties of such board of public works, the payment to them of compensation and the imposing and enforcement of penalties for the violation of the regulations which shall be from time to time imposed by such board of public works in the discharge of their duties, and in case the same be created under the provisions hereof, the powers and duties which under other provisions of this act devolve upon other officers, shall be construed and governed by the provisions hereof.

CHAPTER XV.

CEMETERIES.

May have cemeteries.

The city may acquire, hold or own, such cemetery or public burial place or places, either within or without the limits of the corporation as, in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may provide; and the council may cause any bodies buried within the city in violation to any rule or ordinance made in respect to such burials to be taken up [and] buried elsewhere.

Raise money for.

SEC. 2. The council may, within the limitations in this charter contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds and for the improvement, protection and care thereof.

Board of trustees.

SEC. 3. Whenever the city shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council [pay] may appoint three trustees, who shall be electors in the city, and who, with the recorder, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their offices for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years and one for three years, from the first Monday in May of each year, when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him or other good cause. Said board shall serve without compensation.

Term of office.

Chairman and recorder of.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman and the recorder shall be clerk of the board, and the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe.

Have care of cemetery, etc.

SEC. 5. Said board, subject to the direction and ordinance of the council, shall have the care and management of any such

cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the recorder. The board shall fix the price of lots and make the sale thereof. The conveyances of such lots shall be executed on behalf of the city by the recorder and be recorded in his office at the expense of the purchaser.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery; expend the money provided for the care and improvement of the grounds; enforce ordinances of the city made for the management and care thereof; and make regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of the persons visiting the grounds as may be consistent with the ordinances of the city and laws of the State.

Duties and powers of board.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the cemetery fund. Said fund shall not be devoted or applied to any other purpose except the purpose of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall require, the amount of all moneys received into, and owing to the cemetery fund, and from what source and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred and to whom paid and to whom incurred, and such other matters as the council shall desire to be reported, which report shall be verified by the oath of the clerk of the board.

Cemetery fund.

Board to report to council.

SEC. 8. The council, if the city owns a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein and to control or regulate such cemetery or burial place and the improvements thereof, and to protect the same and the appurtenances thereof from injury, and to punish any violations of any lawful orders or regulations made by the board of cemetery trustees.

Necessary ordinances.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, [corporation,] company or association and improvements thereof and the appurtenances thereto.

Idem.

CHAPTER XVI.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use in said city for the purpose of opening, widening, alter-

For what purpose may be taken.

Without consent
of owner.

ing and extending of streets, alleys and avenues; for the construction of bridges; for buildings and structures for the fire departments; for public grounds, parks, market places and spaces; for the improvement of water-courses; for sewers, drains and ditches; for water-works and for necessary public buildings, hospitals, pest-houses and public cemeteries. But such property shall not be taken therefor without the consent of the owner unless the necessity for making [any] such improvement and using such property and the just compensation to be made therefor shall be determined by a jury of twelve disinterested freeholders of the city; nor shall any improvement requiring the taking of private property be made except with the concurrence of two-thirds of all the aldermen elect. The council may, however, acquire such property by negotiation and purchase.

May be acquired
under general
law.

SEC. 2. Whenever the council shall deem it necessary to make any public improvements requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, declaring therein the improvements to be made, that the same is necessary in the municipality, that the council deems it necessary to take private property for the purpose, describing such property, and that the improvement so declared is for the benefit or use of the public, fully describing and designating in such resolution the improvement so to be made. They shall thereupon by resolution direct the city attorney to institute the necessary proceedings on behalf of the city in the proper court to carry out the object of the resolution. All the proceedings for carrying into effect such resolution, and for taking private property for the use or benefit of the public, shall thereupon be taken under and pursuant to the law of this State providing for the appropriation of private property for the use or benefit of the public and the city attorney shall accordingly and the property shall be taken and paid for and record made thereof in the same manner and with like effect as is provided in the general law for such purpose.

CHAPTER XVII.

SCHOOLS.

City to be one
school district.

SECTION 1. Said city shall constitute one school district, the boundaries of which shall be the same as the boundaries of the city and which shall be known and called district number one of the city of Ishpeming.

CHAPTER XVIII.

MISCELLANEOUS PROVISIONS.

False swearing.

SECTION 1. Any person who may be required to take an oath or affirmation under any provisions of this act, taking such oath or affirmation in any statement or affidavit, or in any oral testimony, or otherwise, in respect to any matter as to

which such oath is taken, willfully swear falsely, shall be guilty of perjury.

SEC. 2. If a suit shall be commenced against any person, elected or appointed under the provisions of this act to any office, for any act done or omitted to be done, such election or appointment or against any person for having done any act or thing by the command of any such officer, and if final judgment be rendered in such suit whereby such defendant shall be entitled to costs, he shall recover double costs, the fine arrived at to be taxed and collected, in the same manner as double costs are ascertained, taxed and collected under general provisions of law in this State; and no court shall have jurisdiction of any such action against such officer or such person acting at the command of such officer, while he remains a resident of the city except a court within the city or the circuit court for the county of Marquette.

Suits against officers.

Costs in such suits and jurisdiction of courts.

SEC. 3. Whenever an action shall have been maintained, and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk, or opening in the same occasioned by the wrong or negligence of the owner or occupant of the premises in front of which [such] sidewalk shall be or on account of any excavation in the street by any gas, hydraulic or railroad company, or by any other corporation, or by any person or persons, and such owner occupant or company, or persons, shall have been reasonably notified to appear and defend said action, the judgment, if any, obtained against said city shall be conclusive as to the amount of damages and the validity of the claim of the city against such owner, occupant, or company; and such owner, occupant, or company is hereby made liable therefor in the proper action, and the same may be recovered in an action for money paid for the use of said owner, occupant or company, or in any other proper form of action: *Provided*, That no person or corporation shall be liable, as provided in this section, to the city on account of failure to keep any sidewalk in repair, unless such person or corporation shall have received at least twenty-four hours' notice to repair or correct the defect complained of, or which occasioned the injury for which damages were recovered against the city. Nor shall the city be liable in any action against it for an injury received in consequence of any such defect unless actual notice of such defect shall have been given to the street commissioner a sufficient length of time prior to such injury to have enabled the city to repair the same, which notice shall not have been less than forty-eight hours or unless such defect has continued for such a length of time longer than forty-eight hours that the city will be presumed to have known of the same.

Owners, etc., liable for damages for injury from defective sidewalks, etc.

Proviso relative to notice to repair.

SEC. 4. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon township boards of the several townships of this State in reference to all matters not herein otherwise provided for; and the recorder shall perform all the

Council to perform duties of township boards.

duties of township clerk or which township clerks are authorized to perform, that are necessary to be performed in said city, and not herein otherwise provided for.

Council may
prescribe duties
in certain cases.

SEC. 5. In all cases in which any power is conferred by this act upon the common council of the city; or upon any officer mentioned herein, and the manner of exercising or enforcing such power is not herein pointed out, or sufficiently and accurately described, the common council may prescribe the manner of exercising and enforcing all such powers, and may pass such ordinances in relation to all such matters and things not inconsistent with the constitution of the United States and of this State as they may deem proper.

Member of council
not to hold
other office.

Not to sign bond.

SEC. 6. No member of the common council shall hold any other office under this act, the compensation of which is fixed and audited by the common council, except as is otherwise provided in this act. No member of the common council shall sign any official bond required under the provisions of this act from any officer of said city, and any member of the common council who shall hold such other office, or sign such official bond, shall be deemed to have vacated his office as alderman, also the office which he was holding contrary to the provisions of this section, but said bond shall be valid. All official bonds required under the provisions of this act shall be recorded by the recorder, in the records of said city, and such record or a certified copy thereof shall be *prima facie* evidence of the facts therein set forth, in all courts and places. No person shall be deemed to have gained any title as against the city, by lapse of time, to any street, lane, alley, common or public square, heretofore laid out or platted by the proprietor or proprietors of said city, or any part thereof, by reason of any encroachment or inclosure of the same.

Bonds to be
recorded.

Lapse of time
not to give title.

Public act.

SEC. 7. This act shall be deemed a public act and shall be favorably construed in all courts and places.

This act is ordered to take immediate effect.

Approved March 27, 1891.

[No. 252.]

AN ACT to amend section number seventeen of an act entitled, "An act to incorporate the city of Niles," approved February twelfth, eighteen hundred and fifty-nine, and the several acts amendatory thereof.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That section [number] seventeen of "An act to incorporate the city of Niles," approved February twelfth, eighteen hundred and fifty-nine, and the several acts amendatory thereof, be amended so as to read as follows:

Power and au-
thority of the
council to lay out
streets, etc.

SEC. 17. The common council shall have full power and authority to lay out and establish, open, make, grade, repair, widen, extend, straighten, alter, close, vacate or abolish any

highway, street or alley in the city, or any part of such highway street or alley, or any square, market place or public park, and if, in the doing thereof, they shall require for such purpose the grounds of any persons, they shall give notice thereof to the owners or parties interested, or his or their agent or representative, by personal service or by publication in some one of the newspapers printed in said city, at [least] three weeks next preceding the meeting of the common council, at which action is to be had in regard to the same, and the said common council are hereby authorized to purchase the right of way through such grounds or premises from the owner or owners thereof, if they can agree upon the price to be paid therefor, but in case they cannot agree upon a price, it shall be lawful for the recorder to issue a *venire*, directed to the marshal or any constable of the city, commanding him to summon a jury of twelve disinterested freeholders of the city, to appear before him at a time to be therein mentioned, which shall not be less than five days from the issuing thereof, to inquire into the necessity of using such grounds or premises, and to assess the value thereof; which jury, being first sworn by the recorder, faithfully and impartially to make such inquiry and to assess the value of the premises to be taken, and having heard the testimony of witnesses, if any be sworn, and the representations of the person or persons interested shall, if such necessity appears, assess the value of the grounds or premises to be taken, according to the respective interest of the owner or owners or parties interested, which assessment shall be signed by the jurors and delivered to the recorder, who shall enter judgment thereon, confirming the same, and file the same in his office; all sums so assessed shall be paid or tendered to the person or persons in favor of whom such assessment shall be made, before such street, lane or alley, square, market place or public park shall be made, opened, established or altered, if the person or persons claiming the same shall reside in the city, and if not, it shall be paid into the city treasury for the use of such claimant or claimants, and it shall thereupon be lawful for the said common council to cause the said grounds or premises to be converted to and used for the purposes aforesaid: *Provided*, That any person claiming compensation therefor, and who shall be dissatisfied with the assessment of the jury, may appeal therefrom to the circuit court for the county of Berrien, upon giving notice of his intention to do so to the recorder within ten days of the time of filing such assessment, or in case of the absence of the claimant from the city, within thirty days from such filing, first giving bond with two sufficient sureties to be approved by the recorder, to pay all costs which may be awarded against him in said circuit court, but no appeal, *supersedeas*, injunction or any other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing or altering such street, lane, alley, square, market place, or public park as aforesaid, upon filing a copy of said assessment, with a copy of the notice of appeal in the said

To give notice
to owners of
land.

To summon jury
in certain cases.

Provide as to
compensation.

May appeal to
circuit court.

Amount and
costs to be as-
sessed to prop-
erty benefited.

circuit court at its next session, or within thirty days from the time of filing the same with the recorder as aforesaid, the court shall have jurisdiction of the appeal and shall proceed in the same manner as is usual in other cases of appeal, to assess the damages and if the damages awarded by the court upon such appeal shall not be greater than the amount assessed by the jury, or than shall have been tendered or deposited as hereinbefore provided, the court shall give judgment against the party appealing, for the costs of the appeal. The amount to be paid the owners of grounds or premises so taken, when ascertained as aforesaid, together with the costs of proceeding, shall be assessed upon the property benefited by the opening, establishing or altering of such street, lane, alley, square, market place or public park, and the amount of such assessment shall be collected in the same manner as is provided in this act for the collection of other taxes, and any such [assessment] assessments made upon property upon which damages have been awarded, may be retained out of the account awarded to the claimant or claimants or parties interested in such property.

This act is ordered to be given immediate effect.
Approved March 27, 1891.

[No. 253.]

AN ACT to incorporate the village of Athens in Calhoun county.

Territory incor-
porated.

Proviso.

Further proviso.

First election.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, to wit: The west half of the southwest quarter of section twenty-seven, the southeast quarter of section twenty-eight, the northeast quarter of section thirty-three and the west half of the northwest quarter of section thirty-four, all in township four south, of range eight west, in the county of Calhoun and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Athens: *Provided,* A majority of the qualified electors in said territory included in above description shall vote in favor of incorporation at any annual or special election called for that purpose: *And provided further,* That all lands in above described territory which is not platted and are held in lots of five acres or more and used as farm lands shall be assessed and taxed at their value for farming purposes only.

SEC. 2. The first election of officers of said village shall be held at what is known as Stanbro hall in said village on the fifth Monday of March in the year eighteen hundred and ninety-one, at which election the polls shall be opened at seven o'clock in the morning and shall be kept open until five o'clock in the afternoon of said day, at which hour they shall be closed; due notice of which election shall be given by the board of

registration hereinafter appointed by posting notices in three public places in said village ten days before said election.

SEC. 3. Willis M. Albertson, Judson B. Martin and Ethan Allen are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village and said board of registration shall meet on the Saturday next preceding said day of election at said Stanbro hall and remain in session from nine o'clock in the forenoon until eight o'clock in the evening of said day and register the names of all persons residing in said village having the qualification of voters at annual township meetings. Due notice of such registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.

Board of registration.

Notice of registration.

SEC. 4. The said village of Athens shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five and acts amendatory thereto.

Governed by general law.

SEC. 5. In case the village officers provided for in said act are not elected at the time and in the manner designated in section two of this act, an election for such officers may be held at any time within one year from the time designated in said section two of this act, and notice given as provided by said section. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration. The members of said board of registration shall take the constitutional oath of office before entering on the discharge of their duties.

Election at time other than time designated.

This act is ordered to take immediate effect.

Approved March 27, 1891.

[No. 254.]

AN ACT to provide for the organization, support and management of a free public library in the city of Marquette, to be known as "The Peter White public library of the city of Marquette."

SECTION 1. *The People of the State of Michigan enact,* That as soon as may be after this act shall take effect, the mayor of the city of Marquette, with the consent of the common council, shall appoint five persons, residents of the city of Marquette, to be a board of trustees for a public library of the city of Marquette to be known as "the Peter White public library of the city of Marquette," one of whom shall hold office for the term of one year from the first day of May, one thousand eight hundred and ninety-one, one for the term

Mayor to appoint trustees.

Terms of.

of two years, one for the term of three years, one for the term of four years and one for the term of five years from said date; and the several appointments shall designate the term for which each of said trustees so appointed shall serve; and annually thereafter on or before May first in that year, said mayor, with the consent of the common council, shall appoint one trustee for said public library, for the term of five years next following; and any vacancy occurring in said board of trustees from death, removal from said city of Marquette, resignation or otherwise, shall be filled by appointment in the same manner: *Provided*, That any person appointed a trustee as aforesaid shall hold office until his successor is appointed and qualified: *And provided further*, That before entering upon the duties of his office, each trustee so appointed as aforesaid shall take and subscribe the constitutional oath of office, which shall be filed in the office of the recorder of the city of Marquette. None of the said trustees shall receive any pay or compensation for their services and any of said trustees may be removed by said common council for misconduct in the same manner as other officers of said municipality.

One to be appointed annually.

Vacancy.

Proviso.

Proviso as to oath.

To serve without compensation.

To be a body corporate.
Name.

Books, etc., of school library to be transferred to, etc.

Title to vest in said trustees.

President and secretary.

Vacancies.

Rules, etc.

Power to hold property.

SEC. 2. Said board of trustees, so appointed and qualified, shall be a body corporate, by the name and style of "the trustees of the Peter White public library of the city of Marquette," and by that name may sue and be sued, acquire, hold and convey property, and the books and property of every kind now belonging to the school district library of Marquette shall be transferred to the care, custody, and control of said "trustees of the Peter White public library of the city of Marquette," as soon as they are appointed and duly qualified, and the title thereto shall thereafter be vested in said board of trustees; and all public money which is now or may hereafter be appropriated by law to the support of a school library, or a public library in the city of Marquette, shall be expended under the direction of said trustees, and the title to the property therewith purchased shall vest in said trustees.

SEC. 3. The board of trustees shall, on the second Saturday in May in each year, or within ten days thereafter, elect one of their number president, and shall also elect one of their number secretary, who shall hold their respective offices for one year thereafter, and until their successors shall be elected. Vacancies in either of said offices shall be filled by said board. Said board of trustees may make such rules and by-laws as may be needed for its own government.

SEC. 4. Said board of trustees shall have power to acquire and hold property of every kind which may be suitable or convenient for the purposes of the library, and may receive property of every kind by grant, devise or otherwise, for the use and benefit of said library, and they are especially authorized to receive, hold and care for, as a part of the property of said trustees, the so-called "Peter White library," in said city, on such terms as may be mutually agreed upon between said trustees and the founder and trustees of said "Peter White

library," with a view to the consolidation of said "Peter White library," with the public library under the control of said trustees. All the property held by said trustees in trust for said public library shall be exempt from attachment and execution, and any judgment recovered against the said "trustees of the Peter White public library of the city of Marquette" shall be spread upon the tax roll of the said city of Marquette and collected in the same manner, as near as may be, as if the judgment was against said city of Marquette, and all such property shall be exempt from taxes and assessments.

Property exempt from execution.

Judgment to be assessed against city.

SEC. 5. The treasurer of the city of Marquette shall be the treasurer of said trustees and no money legally appropriated to the use and support of said public library, shall be paid out by said treasurer except in pursuance of an order of said trustees, upon a warrant signed by the secretary and countersigned by the president of said board of trustees; but said trustees shall not expend any money for any purpose other than the building up and maintenance of said public library except as hereinafter provided.

City treasurer to be treasurer of trustees.

SEC. 6. In addition to the moneys which by law are appropriated to the use of the public library in the city of Marquette, and which shall hereafter inure to, and stand to the credit of the trustees of the library hereby incorporated, there shall be levied and collected annually by tax on the real and personal property of said city, one-tenth of one cent on each dollar of the assessed valuation of said city, which money shall be appropriated to the sole purpose and behoof of said library, and be payable as hereinbefore provided. Said tax shall be levied and collected in the same manner as the moneys raised to defray the general expenses of said city, and shall be designated as "library tax" upon the assessment roll.

Library tax.

Limit of.

SEC. 7. For the due and proper care and use of said public library, said board of trustees shall provide suitable rooms, by rental or otherwise, in which it may be kept. They shall have power to receive donations of money or property for the erection of a library building, and to expend the same for such purpose. The common council of said city shall have power to raise by tax on the taxable property of said city, such sums as they shall think proper, not exceeding one-half of one per cent of the total valuation in any one year, to erect or aid in erecting a suitable building for said public library: *Provided*, The question of raising such tax shall first be submitted to the electors of said city at an annual city election, or at a special election called for that purpose; such money when so raised, shall be expended by and under the direction of said board of trustees.

To provide rooms.

Council may tax city for building.

proviso.

SEC. 8. Said board of trustees shall keep and maintain said library as a free circulating library for the use of the inhabitants of the city of Marquette, and may maintain a public reading room in connection therewith, and they shall make all such reasonable rules and regulations relative to the use of said library and reading room as they may deem expedient, and for

Free circulating library.

Public reading room.

Employees. the preservation of the books, maps, charts and pamphlets in said library, as well as the chairs, tables, desks, carpets, etc., therein. Said board shall employ a librarian and such other assistants as may be needed for the proper care of said library and the use thereof by the people of said city. All employés shall be under the control of said board, who shall fix their pay and designate their duties, and may discharge them at their pleasure.

Annual reports. SEC. 9. Annually, in the month of March, said board of trustees shall make to the common council a report showing the condition of the library and the manner in which all moneys received by it during the current year have been expended.

This act is ordered to take immediate effect.

Approved March 27, 1891.

[No. 255.]

AN ACT to revise the charter of the city of Negaunee, in Marquette county, being amendatory of an act entitled "An act to incorporate the city of Negaunee, in Marquette county," approved April eleventh, eighteen hundred and seventy-three, and the acts amendatory thereof.

Territory incorporated. SECTION 1. *The People of the State of Michigan enact,* That all the following described territory situated in the townships of Negaunee and Ishpeming, in the county of Marquette, to wit: All of sections four, five, six, seven, eight, nine, and the north half of sections sixteen, seventeen, eighteen, in township forty-seven north, of range twenty-six west, sections thirty-one, thirty-two and thirty-three, in township forty-eight north, of range twenty-six west, all of sections one and twelve, the north half of section thirteen, the east half of the northeast quarter of section fourteen, township forty-seven north, of range twenty-seven west, and all of sections thirty-five and thirty-six, in township forty-eight north, of range twenty-seven west, be and the same are hereby set off from the said townships of Negaunee and Ishpeming, and declared to be a city by the name of the city of Negaunee, by which name it shall hereafter be known.

Body corporate. SEC. 2. The freeman of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and designated by the name and title of the city of Negaunee, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatsoever, and shall have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding,

conveying and disposing of any real or personal estate for said city.

SEC. 3. Said city shall be divided into five wards, as follows, Division into wards. to wit: The first ward shall embrace all that portion of said city described as follows: All the territory in said city west of First ward. Cyr street and west of a line extending through the center of Cyr street, north and south to the limits of said city. The Second ward. second ward shall be all the territory east of the center of Cyr street and the line drawn north and south in the center of the same, and west of Teal Lake avenue and north of Jackson and Main streets. The third ward shall embrace all that territory Third ward, south of Jackson and Main streets, and east of Cyr street, and said line drawn south through the center of the same and west of the extension of a line from the center of Teal Lake avenue southerly to the limits of the city. The fourth ward shall Fourth ward. embrace all that territory north of Main street and east of Teal Lake avenue. The fifth ward shall embrace all that territory Fifth ward. south of Main street and east of the line drawn southerly from the center of Teal Lake avenue to the south limits of the city.

CHAPTER II.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

SECTION 1. The following officers of the corporation shall Officers elected by the whole city. be elected by the qualified electors of the whole city, at the first election to be held in said city, voting in their respective wards, viz.: One mayor, one recorder, one treasurer and one justice of the peace, and four constables. There shall be By wards. elected in each ward, by the qualified electors thereof, one supervisor and two aldermen, to be voted for on the same ticket with the city officers.

SEC. 2. At each annual election to be held in said city after At annual election after the first. the first annual election, there shall be elected by the electors of the whole city, voting in their respective wards, one mayor, one recorder, one treasurer, one school inspector, four constables and one justice of the peace. Each of said officers, Terms of office. except the school inspector, shall hold his office for one year after his election, and until his successor is elected and qualified. Said school inspector shall hold his office for two years after his election, and until his successor is elected and qualified. Said justice of the peace shall hold his office for the period of four years from and after the fourth of July next following his election. Each of said officers, except said justice of the peace, shall enter upon the duties of his office and file his qualifications with the recorder of said city, within ten days after his election. Said justice of [the] peace shall give Justices to give security, etc. the security required by law of justices elected in townships, which security may be approved by the common council of said city, or by the county clerk of said county of Marquette, and said justice of the peace shall, before entering upon the duties of his office, and on or before the fourth day of July

following his election, file such security and his official oath of office with the county clerk of said county. All justices elected to fill vacancies shall file their oath of office and security herein named with the county clerk of Marquette county, within ten days after their election, and shall thereupon enter upon the duties of their respective offices. There shall also be elected at each annual election after such first annual election in each ward, by the electors thereof, one supervisor and one alderman, to be voted for on the same tickets with the city officers. Said supervisor shall hold his office for one year and until his successor is elected and qualified; and said alderman shall hold his office for two years and until his successor is elected and qualified; and they shall each file their oaths of office with the recorder of said city, and enter upon the duties of their office within ten days after their election. The common council of said city shall, after the second Thursday after the annual charter election in April in each year, appoint one assessor, who shall possess all the powers heretofore granted to the assessor of said city, but he shall not be a member of the common council. He shall hold his office for the term of one year, and until his successor is appointed and qualified.

SEC. 3. The following officers shall be chosen by ballot by the common council on the second Thursday after the annual election in each year, viz.: One marshal, one city attorney, one assessor, one superintendent of water-works, one or more firewardens of the city, one pound master and one commissioner of streets and highways. In case no officers are chosen on the second Thursday after the annual election, the old officers shall hold over until their successors are chosen and qualified as herein prescribed, unless sooner removed by competent authority. No officer named in this section shall be deemed appointed until he receives a majority of the votes of all the members elect of the common council, voting by ballot. All officers appointed under this section shall enter upon the duties of their respective offices as soon as they are appointed and qualified, and shall hold their offices for one year thereafter, and until their successors are chosen and qualified. They shall file their oaths of office with the recorder, together with such security for the faithful discharge of the duties of their offices as may be required under the provisions of this act, before entering on the duties of their offices and within five days after their appointment.

SEC. 4. The common council may, from time to time, by resolution entered on its records, proceed to appoint so many police constables, nightwatchmen, or policemen, sealers of weights and measures, and such other officers as may be proper to carry into effect the powers herein granted, and as the common council may from time to time direct. The common council may appoint, when in their opinion it is necessary, a city auditor, whose duty it shall be to audit and examine all accounts of the treasurer and recorder and other officers receiving moneys belonging to the city. All officers provided for in

Justices elected
to fill vacancies.

Ward officers.

Terms of.

Council to ap-
point assessor.

Officers to be
chosen by coun-
cil.

Terms of.

Oaths, etc.

Council may
appoint police,
etc.

May appoint
city auditor.

this section shall hold their offices during the pleasure of the common council, but not longer than the second Thursday after the annual election, unless re-appointed by the common council, and they may be chosen by ballot by a majority of all the members elect of the common council. The officers provided for in this section shall file their qualifications with the recorder within five days after being so appointed.

SEC. 5. No person shall be eligible to any of said offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any such office of any ward unless he shall then be an elector and resident of such ward; and when any officer elected or appointed for the city hall shall cease to reside in said city, or if elected or appointed for any ward shall cease to reside in such ward, his office shall thereby become vacant.

Who eligible to office.

CHAPTER III.

ELECTIONS.

SECTION 1. The first annual election to be held under this act shall be held in each of the several wards on the first Monday of April, eighteen hundred and ninety-one. The board of registration and inspectors of election for the several wards shall be as follows: In the first ward James Matthews, Thomas Pellow and Elijah Roberts; in the second ward, Baptiste Barasa, Dennis C. Callaghan and William E. Perry; in the third ward, Joseph Quinn, Anthoney Brand and John Mulvey; in the fourth ward, Robert G. Jackson, Acil Athier and Joseph E. Suess, and in the fifth ward, Joseph H. Primeau, John Jeffery and Joseph Kirkpatrick, Jr., who shall appoint in their respective wards two persons to act as clerks of election, and in case of the absence of one or both of such inspectors, the electors may choose *viva voce* from their number one or more to fill such vacancies. Such inspectors and clerks shall take an oath or affirmation, to be administered by some person duly authorized by law to administer oaths, faithfully and honestly to discharge the duties required of him as inspector or clerk of such election, and they shall certify the result to the common council of the city of Negaunee in the same manner as hereinafter required for certifying the result of subsequent elections held under this chapter to the common council of the city; and the common council shall canvass the votes, determine and certify the result in the same manner that the common council of the city may do in subsequent elections held under this act and with like effect.

First election.

Board of registration and inspectors.

SEC. 2. The annual elections after the first under this act, shall be held on the first Monday of April in each year, at such places in each of the several wards as the common council shall designate, notice of which shall be given by the recorder at least ten days before the election, by posting the same in three public places in such wards, or by publishing the same

Annual election.

Notice of.

Inspectors.	in some newspaper printed in said city. The aldermen and supervisor of each ward shall be inspectors of such elections, and the supervisor shall be chairman, and they shall also be inspectors of the State, district, county, and all other elections, and they shall appoint two suitable persons to act as clerks thereof, and in case of the absence of one or both of such inspectors the electors may choose <i>viva voce</i> , from their number, one or more to fill such vacancies, to whom, as well as the clerks appointed as aforesaid, shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace or notary public. Each of such inspectors and clerks of [election] elections shall receive for their services upon the board of registration the sum of three dollars and a like sum for their services as inspectors of election. The manner of conducting all elections and canvassing the votes, and the qualifications of electors in the several wards, shall be the same as that of townships, the word "ward" instead of township being used in the oath to be administered to an elector in case his vote shall be challenged: <i>Provided</i> , That at such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their ward, which certificate shall be immediately filed in the office of the recorder of said city, and upon the Thursday next following the day of said election, the common council shall meet at the city hall, or other place appointed by the common council, and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said recorder, immediately after such determinations, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified, except justices of the peace and recorder, shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to said recorder, who shall file the same in his office: <i>Provided</i> , That in case of the election of a recorder, or any one or more justices of the peace, the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk, in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number and not a plurality of votes given at such election, the common council shall immediately proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office. The treasurer, marshal, superintendent of water-works and the commissioner of streets and highways shall, before entering upon the discharge of their duties, give such security to the city of Negaunee as the common council shall direct; and in case any of the officers so elected shall neglect, for the term of ten days, to qualify as aforesaid or to give security, the office shall thereby become vacant.
Compensation.	
Elections, how conducted.	
Proviso as to certificate.	
To notify persons of election.	
Proviso.	
In case of a tie vote.	
To give security, etc.	

SEC. 3. The inhabitants of said city being electors under the constitution and laws of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at any such election; and a person offering to vote at any such election, if challenged by an elector of said city, before his vote shall be received, shall take one of the oaths or affirmations provided by the laws of this State for electors at general and special elections for the time being, which oath or affirmation may be administered to him by either of the inspectors of election. Upon taking such oath or affirmation, if duly registered in said ward, he shall forthwith be permitted to vote. In all other respects not herein provided, said elections shall be conducted, as near as may be, in accordance with the general statute provided for townships and general elections.

Who are electors,
etc.

SEC. 4. The board of election in each ward, at the first and all subsequent elections held therein, shall possess all the powers not inconsistent with the act that boards of election in townships possess under and in pursuance of the law of this State; and in all matters not otherwise provided for in this act the laws of this State applicable to the holding of township meetings and elections shall apply to the holding of the first and all subsequent annual elections held under this act; and all the laws of this State not inconsistent with this act, applicable to the holding of general elections in the townships of this State, shall apply to the holding of general elections in the several wards of said city: *Provided*, That at the first election to be held in said city, no person shall be excluded from voting in the wards in which he shall have resided for ten days next preceding elections for the sole reason that he is not properly registered, in case he is properly registered, in the township of Negaunee, and the ward in which the elector has his regular and usual sleeping apartments shall be held and deemed to be his residence.

Powers of board
of election.

Provide.

SEC. 5. At the first election held by virtue of this act the polls shall be opened in each ward, at the several places herein designated, at nine o'clock in the morning and shall be kept open without intermission or adjournment until five o'clock in the afternoon, at which hour they shall be finally closed. And at all subsequent elections, held by virtue of this act, the polls shall be opened in each ward at the several places designated by the common council, at nine o'clock in the morning, and shall be kept open without intermission or adjournment until five o'clock in the afternoon, at which hour they shall be finally closed.

Polls at first
election.

Subsequent
elections.

SEC. 6. At the first and [at] all subsequent annual elections held under this act, the electors shall vote by ballot, and each person offering to vote shall deliver his ballot so folded as to conceal its contents, to one of the inspectors in the presence of the board. The ballot shall be a paper ticket which shall contain, written or printed, or partly written and partly printed,

Ballots.

the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen. But no ballot shall contain a greater number of names of persons designated for any office than there are persons to be chosen at the election to fill such office. The common council of said city shall provide a suitable box for each ward, with lock and key, for a ballot box to be used in such ward.

Ballot boxes.

In case of vacancy.

SEC. 7. If, at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is to be elected for the said office shall be designated on the ballot.

Canvass of votes.

SEC. 8. Immediately after the closing of the polls, the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them, and declare the result, and shall, without any adjournment, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election or the next day, with the recorder of the city.

Duty of inspectors.

Duty of clerks.

SEC. 9. It shall be the duty of the inspectors of election on receiving the votes as specified in section six of this chapter, to cause the same, without being opened or inspected, to be deposited in the ballot box. The clerks of election, appointed as aforesaid, shall write down the name of each elector voting at such election, in duplicate poll lists, to be kept by them under the direction of the inspectors of election, and disposed of in the same manner as in elections in townships.

Who deemed elected.

SEC. 10. The person receiving the greatest number of votes for any office in said city or ward shall be deemed duly elected to such office; and if any officers shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the inspectors of election, in case of ward officers, and the common council in case of city officers shall determine by lot which of the several persons so receiving the highest number of votes shall be declared elected. If notice of any election shall not be given as herein required, it shall be lawful for the electors to meet at the proper time and at the place of the last election, and hold the election; and may thence adjourn if necessary to some other place, as in township elections, and in case of the non-attendance or neglect of the proper officers to act, the electors present may, *vive voce*, choose inspectors to act in their places: *Provided*,

If notice has not been given.

Proviso as to election at other than on day provided.

That if any election of officers under this act shall not be held on the day provided for by this act, the said corporation shall not, for that cause be dissolved, but it shall be lawful to hold such elections at any time thereafter, public notice thereof being given by the common council as provided in this act for special elections, and the incumbents of the several offices, at the time when such election shall have been held shall continue to hold their respective offices until their successors are so elected and have qualified.

SEC. 11. All aldermen in said city whose terms of office do not expire at the next annual election in said city shall continue to hold their respective offices and serve the remainder of the unexpired term thereof as [aldermen] alderman of the wards in which they shall severally reside, at the time of the next annual election in said city. Present aldermen to continue.

SEC. 12. It shall be necessary to serve only three days' notice of registration and the place of holding the same in all the wards at the present spring election to be held April sixth, eighteen hundred ninety-one, but [in] on all other elections thereafter the notice shall be as otherwise provided in the statute. Notice of registration.

CHAPTER IV.

VACANCIES IN OFFICE, WHEN THEY MAY EXIST, HOW FILLED, ETC.

SECTION 1. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office: The death of the incumbent, his resignation, his removal from office, his ceasing to be an inhabitant of the city or ward for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged, his conviction of any infamous crime, or of any offense involving the violation of his oath of office, the decision of a competent tribunal declaring void his election or appointment, or his refusal or neglect to take his oath of office, or to give or render any official bond, or to deposit such oath or bond in the manner and within the time prescribed by law: *Provided*, That in case any vacancy shall occur in the office of any justices of the peace in said city by the operation of this act, the recorder shall immediately transmit to the county clerk of said county a notice in writing, officially signed by him, informing the county clerk that the office of such justice of the peace is vacant. Of vacancies. Provide as to justices.

SEC. 2. When any vacancies occur in any of the offices which are appointed by the common council, either by death, resignation, removal of the incumbent or otherwise, the said council may fill such vacancy by appointment for the remainder of the unexpired term for which such officer was appointed. How filled in appointive offices.

SEC. 3. Whenever a vacancy occurs in the office of alderman the common council of said city shall immediately call a special election to be held in the ward for which such officer was chosen at some suitable place therein, not less than five days nor more than fifteen days, from the time of such call: *Provided*, That in case any such vacancy shall occur in said office of alderman within three months before the first Monday of April of any year, it shall be optional with the common council to order a special election or not, as they deem expedient. Special election. Provide.

SEC. 4. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointive, except alder- Council may fill vacancy in certain cases.

men and justice of the peace, the common council may in their discretion, fill such vacancy by the appointment of a suitable person who is an elector, and if appointed for a ward, who is also a resident of the ward for which he shall be appointed; and any officer appointed to fill a vacancy shall hold by virtue of such appointment until his successor is elected or appointed, as the case may be, and qualified.

Notice of special election.

SEC. 5. Whenever a special election is to be held, the common council shall direct the recorder to give notice of the time and place of holding such election, in the same manner as herein required for giving notice of annual elections, and the proceedings of such special elections shall be the same, as near as may be, as at the annual city election.

CHAPTER V.

OF THE POWERS OF THE COMMON COUNCIL.

Common council. SECTION 1. The mayor and aldermen, when assembled together and organized, shall constitute the common council of the city of Negaunee, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business but a less number may adjourn from time to time; and the common council may be summoned to hold their meetings at such time as the mayor, or, in case of his absence or inability to act, the mayor *pro tempore* may appoint, at such place as shall have been designated as council room by the common council.

Quorum.

Meetings.

May impose fines for non-attendance.

President pro tem.

The common council shall have power to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. In case of the absence of the mayor or mayor *pro tempore* from such meetings, the members present may appoint a president *pro tempore*. Each member of the common council shall be entitled to one vote.

General powers of council. SEC. 2. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the city and may dispose of the same, and make such rules and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said city to enact, continue, establish, annul, amend and repeal such ordinances, by-laws, rules and regulations as they may deem desirable for the following purposes:

Vice and immorality. *First*, To prevent vice and immorality; to preserve public peace and good order; to organize, maintain and regulate a police of the city, when necessary, and to define the powers and duties of such police or of any police officers; to prevent and quell riots, disturbances and disorderly assemblies;

Disorderly houses. *Second*, To prevent and restrain disorderly and gaming houses, and houses of ill-fame; to prevent the exhibition or use

of any and all instruments and devices used for gaming and to prohibit all gaming and fraudulent devices, and restrain and prohibit all billiard tables kept or used for gaming purposes;

Third, To forbid and prevent the vending, giving away or other disposition of liquors or intoxicating drinks to any drunkard, minor or other person in the habit of getting intoxicated, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers; Liquors, auctions, etc.

Fourth, To prohibit and restrain, license and regulate all sports, exhibition of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances or exhibitions for money, or any performance given in connection with the sale of wares and merchandise; Sports, exhibitions, etc.

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place to cleanse, purify, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city; Nuisances.

Sixth, To direct or prohibit the location of all slaughter-houses, markets and buildings for storing gunpowder or other combustible or explosive material or substances within the limits of said city; Slaughter-houses.

Seventh, To direct and regulate the storing, using, conveying and transportation of gunpowder, nitro-glycerine, dynamite, dualine, giant powder or other combustible or explosive materials, and the exhibition of fire-works, the use of lights in barns, stables and other buildings, and to regulate or prohibit the discharge of fire-arms within the limits of the city, or making of bonfires in streets or yards; Explosive materials, etc.

Eighth, To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges or other public places in any manner whatever, and to provide for lighting any of the streets of said city; Incumbering streets, etc.

Ninth, To prevent and punish horse-racing and immoderate driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said city; Fast driving.

Tenth, To determine and designate the routes and grades of any railroads, and street railways, to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads and street railways within the city, and to compel the use of such precaution against accidents at street crossings upon such railroads and street railways as they may deem necessary; Grades of railroads, etc.

Eleventh, To provide for and preserve the purity and salubrity of the waters of Teal lake; to prohibit and prevent the depositing therein of all filth and other matter tending to render said water impure, unwholesome or offensive; Salubrity of waters in Teal lake.

Vagrants, drunkards, etc.

Twelfth, To restrain and punish drunkards, vagrants, street beggars and all disorderly persons, or keepers of gaming or disorderly houses, or houses in which drunkards or boisterous persons are allowed to congregate and disturb the peace, or in which any crime or misdemeanor shall be committed by the knowledge or consent of the occupant of such house;

Pounds.

Thirteenth, To establish, maintain and regulate, one or more pounds in said city and to prohibit, restrain or regulate the running at large of horses, cattle, sheep, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding and other expenses; to punish the breaking of any pounds, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations, in relation to such pound or pounds, and the advertising or selling of the animals, geese or poultry therein impounded, as they may deem necessary, or as may be advisable, for the purpose of perfecting the title to any property sold in conformity with any ordinance or by-laws, and of preserving the evidence and declaring the legal effect of any and all evidence of any such sale or sales; and no court other than the circuit court for the county of Marquette, or the courts held in said city shall have jurisdiction of any action of replevin, or other action against any pound master of said city, for or on account of any animal or animals, geese or poultry impounded, or for or on account of any act done by such pound master in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said city;

Dogs.

Fourteenth, To prevent or regulate the running at large of dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;

Dead carcasses, etc.

Fifteenth, To prohibit any person from bringing or depositing within the limits of said city, any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction thereof if any person shall have on his or her premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his or her default to authorize the removal or destruction thereof by some officer of the city, and to provide for ascertaining the expense thereof, and collecting the same from the persons in default;

Clearing of sidewalks.

Sixteenth, To compel all persons in the city, to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions; or should the common council so elect they may cause said sidewalks to be cleared of snow and the cost thereof to be paid out of the general fund;

Ring of bells, etc.

Seventeenth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Duties of officers.

Eighteenth, To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies;

Nineteenth, To purchase suitable grounds for a cemetery, ^{cemetery, etc.} survey and divide the same in such form and manner as they may deem proper, fix and determine the price of burial lots, sell and convey the same, ornament, fence and improve such cemetery, or any burial ground in said city, and enlarge the same; regulate the burial of the dead, preserve tombstones and monuments, and exercise a general control over all burial places in said city;

Twentieth, To provide for the lighting of the streets and ^{Street lighting.} alleys and for the protection of public lamps;

Twenty-first, To establish, order and regulate the markets, ^{Markets, etc.} to regulate the vending of wood, hay, meat, vegetable, [vegetables], fruits, fish and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by the butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: ^{Provided.}

Provided, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Twenty-second, To regulate and establish the line upon which ^{Street line.} buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line, by a fine upon the owner thereof not exceeding five hundred dollars for each offense;

Twenty-third, To establish fire districts, within which no ^{Fire districts.} wooden buildings shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain;

Twenty-fourth, To regulate, license and restrain hawking ^{Peddlers, etc.} and peddling in the streets, and to regulate and license pawn-brokers and auctioneers;

Twenty-fifth, To prescribe the duties of all officers appointed ^{Duties of appointive officers.} by the common council, and their compensation, and the penalties for failing to perform such duties, and to prescribe the bonds and securities to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;

Twenty-sixth, To prescribe and designate the stands for ^{Stands for carriages, etc.} carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges; and the stand or stands for wood, hay, and produce exposed for sale in said city, and to regulate the sale thereof; and for the purpose of carrying into effect the powers conferred by this act, ^{Punishment for violation of this act.} the common council shall have power to prescribe, in any by-law or ordinance made by them, that the person offending against such by-law or ordinance, shall be punished by fine or imprisonment in the county jail of Marquette county, or by both such fine and imprisonment. In such by-law or ordinance the common council may give discretionary power to the justice, who shall try the offender, as to the amount of punishment to be imposed in each case on such offender, and may limit or reg-

- ulate the discretion of such justice in imposing such punishment. *No by-law or ordinance shall prescribe a fine to exceed one hundred dollars, with costs of prosecution, or imprisonment to exceed three months, or both such fine or imprisonment, for a violation of any such by-law or ordinance;
- Limit of penalty.**
- Shade trees.** *Twenty-seventh,* To regulate and require the setting of shade trees in the streets of said city, and to provide for the preservation of the same, and to prescribe a uniform line or distance from the margin of the street or highway on which such trees shall be set;
- Duties of sealers of weights and measures.** *Twenty-eighth,* To prescribe the duties of sealers of weights and measures, and the penalty of using false weights and measures; and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;
- Ordinances, etc., enforcement of.** *Twenty-ninth,* The common council shall have full power to make all such by-laws and ordinances, rules and regulations, as they may deem proper for fully and effectually enforcing any and all powers conferred upon them by this act;
- Sunday observance.** *Thirtieth,* The common council shall have full power to pass ordinances for the closing of all places of business, amusement and resort on Sunday, on days of general elections, or on other days when the safety of the people may require it, from anticipated riots or other causes affecting the safety of the people or security of their property. The common council shall have power by ordinance to order the closing of all places of business, amusement or resort after a certain hour every night of the week to be fixed by the common council. The following officers shall give bonds to the city of Negaunee for the faithful performance of their duties in such sum or sums and with such sureties as the common council shall require and approve, viz.: City treasurer, city marshal, commissioner of streets and highways, recorder, superintendent of water-works and chief engineer of fire department.
- Bonds.**
- Streets, alleys, etc.** *SEC. 3.* The common council shall ascertain, establish and settle boundaries of all streets and alleys in said city, and provide by ordinance for the prevention and removal of all encroachments thereon, and may refuse to lay water or gas pipes on any new addition to said city unless the streets and alleys on said addition or additions shall conform to existing streets and alleys, and exercise all other powers conferred on them by this act in relation to highways, the levying of taxes and all other subjects of municipal regulations not herein expressly provided.
- Power to assess, levy and collect taxes.** *SEC. 4.* The common council shall have power to assess, levy and collect taxes for the purposes of the corporation upon all property made taxable by law for State purposes, which taxes shall be liens upon the property taxed until paid; to appropriate money; provide for the payment of the debt and expenses of the city, and make regulations concerning the same; to employ all persons confined for non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act or any ordi-

nance of the common council, in any jail, work-house or prison, at work or labor either within or without the same, or upon any street or public work under the control of the common council; to allow any person thus confined for non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor. The said common council shall have power to make all such other by-laws, ordinances or regulations as they may deem necessary for the good government of said city. Employment of prisoners.

SEC. 5. The common council shall have power, and it shall be their duty, to adopt measures for the preservation of the public health of said city, to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of the city. The common council shall be the board of health of said city, and shall have all the power now or hereafter conferred on township boards of health, in addition to the powers herein granted, and shall take measures to secure the inhabitants of said city from contagious, malignant and infectious diseases; and they shall have authority to make all such by-laws and regulations for the preservation of the health of the inhabitants of said city, as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act; but in acting as a board of health they shall still be known as the common council and not the board of health. Public health.

SEC. 6. No ordinance shall be passed by the common council granting any rights, privileges or franchises to any person, partnership or corporation, without the concurrence of two-thirds of all the members elect voting by yeas and nays, nor until after the same has been acted upon at two regular meetings of the common council at least one week apart, and any such franchise may be rescinded for cause at the pleasure of the common council by a two-thirds vote of all the members elect voting by yeas and nays. Two-thirds vote necessary.

SEC. 7. The common council shall have power to cause common sewers, drains and vaults, arches and bridges, wells, pumps and reservoirs to be built in any part of the city; to establish, open, widen, extend, straighten, alter highways, streets, avenues, lanes, alleys, and public grounds or spaces within said city, and to grade, pave, repair and otherwise improve the highways, streets, avenues, lanes, alleys, or interior public spaces created by the intersection of streets; also the cross-walks and sidewalks in said city with stone, wood, brick or other material; and the common council shall have full power and authority to provide for paying the costs and expenses thereof by assessment, in such manner as shall be prescribed by ordinance of the common council, which assessment shall be a lien until paid on the lot, lots or premises, on which the same are assessed, and shall be collected in such manner as shall be authorized by such ordinance. Sewers, drains, etc.

SEC. 8. The common council shall also have full power to require by resolution or ordinance, the owners or occupants of Repairs, etc., of sidewalks.

lands, at their own expense, to repair, construct, make, pave, plank or gravel, and curb and rail all sidewalks adjoining said land, after the same shall have been properly graded, within such reasonable time as they shall direct, notice of which action shall be given to the owners or occupants of such lands in such manner as they shall direct; and if the same are not completed within the time so ordered, it shall be lawful for the common council to cause the same to be constructed forthwith, and to assess the expense thereof upon the premises in front of which the same are constructed.

Council to provide for repair of sidewalks.

Time and manner of collecting highway taxes.

SEC. 9. The common council may provide for the immediate repair of cross-walks, and for collecting the cost or expense thereof in such a manner as they may deem proper, subject to the restrictions herein contained, and they may determine the time and manner of assessing and collecting all highway taxes and all other taxes, except as herein otherwise provided, and they may enact such general by-laws and ordinances in relation to the assessing and collecting of all such taxes, not inconsistent with the constitution of this State or of the United States, as they may deem just and proper; and all by-laws or ordinances, rules or regulations adopted by the common council, by or in pursuance of any of the powers conferred upon them in this act, shall be binding upon all courts and in all places whatsoever.

Description of highways to be recorded.

SEC. 10. The common council shall cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described and recorded in the office of the recorder of said city, in the book of street records; and the recording of such highways, streets, lanes or public grounds, so ascertained and described, or which shall hereafter be laid out and established by said common council and recorded in the book of street records, in the office of the recorder, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described.

Accounts of city treasurer.

Annual financial statement.

SEC. 11. On the third Tuesday in the month of March in each year, the common council shall audit and settle the accounts of the city treasurer, and the accounts of all other officers and persons having claims against the city, or accounts with it, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of [expenditure] expenditures made by the common council, the object and purposes for which the same were made, and the amount of money expended under each; the amount of taxes raised for the general contingent expenses, the amount raised for lighting and watching the city; the amount of highway taxes and assessments; the amount of assessments for opening, paving, planking, repairing and altering streets and building and repairing bridges; the amount bor-

rowed on the credit of the city, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the city. The said statement shall be signed by the mayor and recorder, and filed with the papers of the city.

SEC. 12. The sittings of the common council shall be public and full minutes of its proceedings at each meeting, together with the annual statement, shall be furnished by the recorder to any newspaper which may publish the same, and the common council shall have authority to cause the proceedings of its meetings to be published in any newspaper that may be printed in said city. Proceedings of meetings to be published.

SEC. 13. Whenever required by any member of the common council the votes of all the members of the common council in relation to any act, proceeding or proposition, had at any meeting shall be entered by yeas and nays in the minutes; but unless so required, it shall not be requisite to record the votes of members in the records. All the records of said city shall be *prima facie* evidence of the truth of the facts therein recorded. Record of votes to be kept when demanded.

SEC. 14. To enable the common council to fully and effectually carry out and perform any of the powers conferred upon them by this act, they may borrow money at a rate of interest not exceeding six per cent per annum, and issue the bonds of the city thereof, signed by the mayor and recorder; but no money shall be borrowed for a longer period than thirty years, nor shall the sum of any and all indebtedness for money thus borrowed by the common council ever exceed the sum of five thousand dollars; and if the common council shall deem it necessary to borrow more money than is above provided for, the question of making such loan shall be submitted to the qualified electors of said city who are liable to pay a city tax therein, at some annual or special election called for that purpose, in the same manner as other special elections are called under this act; but before any loan of money shall be authorized by a vote of such electors of said city, written or printed notices shall be posted by the recorder in at least two public places in each ward, specifying the object or objects for which money is proposed to be borrowed. The common council may provide by ordinance the manner of voting upon any question of borrowing money; but the votes shall be canvassed, and the result certified and determined in the same manner as the result of other votes are canvassed by the provisions of this act: *Provided*, That the total indebtedness of the city for borrowed money shall never exceed fifty thousand dollars, at any one time, except as herein otherwise provided. Authority to borrow money. Limit to amount. Over certain amount to be submitted to vote of electors. Proviso.

SEC. 15. Whenever any money shall be borrowed by the common council by authority of the electors of said city the bonds shall be signed by the mayor and recorder; and all deeds of lands sold by the common council shall be executed by the mayor and recorder, except as herein otherwise provided; and, when duly [acknowledged] acknowledge by them, may be recorded as other conveyances, and with like effect. Bonds and deeds.

Style of ordinances and record of same.

SEC. 16. The style of all ordinances shall be, "it is hereby ordained by the common council of the city of Negaunee." There shall be a book in which all ordinances shall be recorded at length, to be known as the record of ordinances. It shall not be necessary to record ordinances at length in the journal of proceedings of the common council but it shall be sufficient to state the title of such ordinance. No ordinance of the common council imposing a fine or imprisonment shall take effect until five days after its passage by the common council; and it shall be the duty of the recorder to publish the same within two days after its passage by posting the same up in three public places in said city, or by publishing in some newspaper published and conducted in said city, for at least one week before such ordinance takes effect.

When to take effect.

How proved.

SEC. 17. All by-laws, regulations, resolutions and ordinances may be proved in the manner provided by an act entitled "An act to provide for proving the by-laws, ordinances and resolutions of incorporated cities and villages in certain cases," approved March eighteenth, in the year of our Lord eighteen hundred and sixty-five and the acts amendatory thereof.

Acts injurious, dangerous, etc.

SEC. 18. The common council may prevent and punish the riding or driving of any beast or team upon any sidewalk, or the doing of any act injurious or dangerous to any of the property of said city or of the property of any of the inhabitants thereof, or which shall be dangerous to the life, person or health of any of the inhabitants of said city; and whenever by this act the common council are given any power, they may adopt by-laws or ordinances, rules and regulations relative thereto; and said common council shall have power to forbid the vending or other disposition of liquors and intoxicating drinks to minors, and to forbid and prevent boys from congregating in or frequenting saloons, restaurants and bar rooms; and shall by ordinance provide for the punishment of any saloon, bar or restaurant keeper for allowing boys to congregate in or frequent his saloon.

To prevent boys from congregating in saloons, etc.

Authority to lay out streets, etc.

SEC. 19. The common council shall have full power and authority to lay out, alter, straighten, widen and improve any and all highways, streets, lanes, alleys and water-courses in said city. Whenever the land of any person is required for such purpose, the city may acquire the same as follows: The common council shall pass an ordinance describing the improvements to be made, or street, highway, alley or lane to be laid out, altered, straightened or widened, and shall describe the lands to be taken, and the names of the owners, if known, and such ordinance shall be posted up in three public places in said city for two weeks, or shall be published in some newspaper published in said city for two successive weeks; the common council may in the meantime negotiate with the owners or any of them for the purchase of such lands. If the common council and owners of such land, or any of them, cannot agree on terms of purchase, or if such owners are non-residents, or are absent from said city, the common council may then, at any time within six weeks after the passage of such ordinance, direct the

How private property may be acquired for streets.

Proceedings when council and owner of land cannot agree.

city attorney to apply to any justice of the peace of said city, for a jury of twelve disinterested freeholders to inquire into and determine the necessity for using such land, and the just compensation to be paid therefor. Notice of the time and place of applying for such jury shall be served on such owners of lands, as follows: The recorder or clerk *pro tempore* of the common council shall draw up a notice which shall briefly state the improvement contemplated and a description of the lands to be taken, and the time and place where the city will apply for such jury; such notice shall be addressed to the owners of such lands or so many of them as may be known, and shall be signed by the recorder or clerk *pro tempore*, under the seal of the city. It shall be delivered to the marshal, or constable of said city, and on receipt of the same the said marshal, or any constable shall proceed to serve it on each of said owners by giving to each of said owners a copy of said notice and exhibiting the original, if such owners can be found within Marquette county, at least ten days before the day for applying for such jury. If any of such owners are residents of said county and cannot be found, such notice may be served by leaving a copy thereof at the residence of such owner, at least ten days before the day appointed for applying for such jury, such notice to be left with some competent person, or if such residence is unoccupied, then to be posted upon the front door or other conspicuous place of such residence. If any of such owners are non-residents of said county and cannot be found, then such notice may be served on such non-residents by publishing the same in some newspaper, printed and circulated in said county for four successive weeks, once in each week, immediately preceding the day for applying for such jury, and by mailing a copy of such notice, prepaid, to each of said non-residents [non-resident] owners, at his place of residence, to be ascertained according to the best information which such officer serving said notice can obtain, and such officer shall file said original notice with a return of his doings thereon, with the justice before whom said application is to be made, on or before the day for applying for such jury, and such return shall have the same effect, as evidence, as the return of constables in civil cases before justices of the peace, for the purpose of conferring jurisdictions on justices of the peace in the further progress of the proceeding, and if such officer neglects or fails to return said notice, with his doings thereon, the justice may issue an attachment against such officer to compel him to return the same, and for the purpose of exercising jurisdiction, said justice shall have all the powers now or hereafter possessed by justices of the peace in civil cases.

Notice of applying for jury.

Service of notice on residents.

Service of notice on non-residents by publication.

SEC. 20. At the time and place appointed for applying for such jury, or on any other day to which the same be adjourned by the justice, if such notice is not on file, or returned by the officer serving the same, as aforesaid, the city may appear by its attorney or other authorized agent, and such owners may appear in person, or by their attorneys or agents, and the

Manner of summoning jury.

justice shall direct the marshal or any constable of said city, to make a list of twenty-four freeholders of said city or county, competent to serve as jurors in courts of record. Said marshal or constable shall be first duly sworn by the justice to select said freeholders fairly and impartially, according to the best of his knowledge and ability, and without favor to either party; and the city and said owners who appear, or any of them, may strike out each six names. In case the parties are unable to agree as to the manner of striking said jury, or if said owners shall be unable to agree as to which names shall be stricken from said list, or if such owners shall fail to appear, or if either shall fail or neglect to strike such names, then the justice may strike such names for the parties, and shall immediately thereafter issue his *venire*, directed to the marshal or any constable of said city, commanding him to summon the twelve freeholders remaining on said list, at a time and place to be mentioned in said *venire*, not less than three days nor more than six days from the time of issuing the same. Said *venire* shall be served by said officer on each of said jurors, if they can be found in said county, at least two days before the return day thereof, by reading the same to each juror.

Summoning of
talesmen.

Right of chal-
lenge.

Oath of jurors.

Assessment of
compensation
and damages.

Justice to enter
judgment in
docket.

SEC. 21. On the return of such *venire*, if all of said jurors do not attend, or are not personally served, then the justice may direct the marshal or constable to summon talesmen sufficient to form a jury of twelve freeholders, having the qualifications of jurors in courts of record, and said city and any of said owners present may challenge any of said jurors for cause, as in civil cases in the circuit courts, which right of challenge is hereby given. After such jury is completed they shall be duly sworn by said justice to faithfully and impartially inquire into the necessity for taking and using such land, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners or the parties interested in such lands for respective injuries, according to the several estates or interests therein, and shall state whether such compensation is for the use of such land, or for the fee of the same; but if such owners, or any of them are benefited by such improvements, then such benefits shall be taken into consideration and deducted from such damages by the jury. Said verdict shall be reduced to writing, and shall be signed by said jurors, and shall be filed in the minutes of said proceedings. Upon the rendition of such verdict the justice shall enter judgment in his docket confirming the same. Such judgment shall recite the notice issued to said owners, with the return of the officer thereon, the appearance of the parties and their names, the names of the jurors, the verdict of the jury, and such other matters as the justice may think proper to record, and also such other matters as may occur in the progress of the proceedings, which judgment shall be signed by said justice, and said record, or a transcript therefrom, certified in the manner that other

justice's judgments are certified, by the justice having possession of said docket, shall be received as evidence in all courts and places and shall have the same effect as evidence as any judgment entered by justices of the peace in civil cases. It shall be the duty of the recorder, within sixty days thereafter if no appeal has been taken, to procure a transcript of such judgments, certified in the same manner that justice's judgments are certified, and cause the same to be recorded in the records of said city, and also in the office of the register of deeds in said county, in the book of miscellaneous records; but if an appeal or *certiorari* is taken, such transcript shall not be recorded until such appeal or *certiorari* is finally determined in favor of said city.

Record of transcript of judgment.

SEC. 22. Said owners, or any of them, if not satisfied with the amount of damages, may remove said proceedings by appeal to the circuit court for the county of Marquette, by giving written notice to the recorder within forty days after the rendition of said verdict. Such notice shall be addressed to the common council of the city of Negaunee, and shall briefly state that such owner or owners feel aggrieved at the amount of damages awarded them by said jury, and that they appeal therefrom to the circuit court for the county of Marquette, and such notice shall be signed by such owner or owners, or by his or their authorized attorney; and within ten days after the receipt of such notice said justice shall make a return to said circuit court of the proceedings had before him as they appear on his docket; and the said circuit court shall, at the next term, order a jury to be drawn from the number of jurors summoned to attend at said term who shall be impaneled and sworn to try said appeal, and judgment shall be rendered in said circuit court upon their verdict, and the circuit court shall have power to impose such costs upon either party as it may deem reasonable under the circumstances; and such circuit court shall have power and jurisdiction forthwith, or at any time thereafter, to tax said costs and render judgment therefor. On the trial of said cause in the circuit court, the damages of none of said owners shall be inquired into, except as to those who have appealed, and said city may acquire and use the lands of such owners who have not appealed from the award of such jury during the pendency of such appeal. The sum or sums assessed as damages as aforesaid by such jury, shall be paid or tendered to such owner or owners before such street, highway, lane or alley shall be made, laid out, altered or opened; and if such owners are non-residents, or refuse or neglect to call for or receive the money to which they may be entitled, such money shall be deposited with the city treasurer, who shall hold the same subject to the order of such owner or owners, his or their representatives, heirs or assigns. It shall thereupon be lawful for such common council to cause such land to be occupied for the purpose aforesaid.

Appeal to circuit court.

Form of notice of appeal.

Circuit court to order jury.

Damages to be paid before street is opened.

SEC. 23. The common council shall keep and maintain all such parcels of ground as may be acquired by the city by pur-

Public parks.

chase or gift for use as public parks, and pay the cost thereof out of the general fund.

CHAPTER VI.

OF THE POWERS AND DUTIES OF OFFICERS.

Mayor, powers
and duties of.

SECTION 1. The mayor shall be chief executive officer of the city, and shall also be president of the common council, and shall countersign all orders drawn upon the city treasurer and see that all the officers of said city faithfully comply with and discharge their official duties; that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council are faithfully observed. He shall have the [same] sane power as conservator of the peace, within the limits of the city, as the marshal or any justice of the peace has or may by law have, and to this end it shall be lawful for him, when any person shall, in his presence, be guilty of a breach of the peace, or a violation of any of the ordinances of the common council, punishable by fine or imprisonment, to direct the marshal or other officer forthwith to apprehend such offender or offenders, and take him or them before a justice of the peace for said city, who shall, without any unreasonable delay, proceed to the examination and trial of the party arrested. He shall also have power and it shall be his duty, to preserve order and decorum in the council room during the session of the common council and for this purpose may order any disorderly person to be arrested for disorderly or contemptuous conduct in his presence, and imprisoned for a period not exceeding twenty-four hours. The mayor shall, by virtue of his office, be authorized to administer oaths and affirmations and may affix to any official certificate the seal of the city. He shall have power to remove any officer of said city, except the recorder, attorney, justices of the peace and members of the common council, when, in his opinion, the interests of the city require such removal, and may designate and appoint any competent person to fill such office during the pleasure of the mayor, or until a successor is appointed by the common council. Whenever the mayor removes any officer he shall report such removal at the next regular meeting of the common council. The common council may then, or at some subsequent meeting, appoint a successor to the person removed, but shall not re-appoint the person removed except by consent of the mayor. The mayor shall have power to veto any and all orders, resolutions or ordinances passed by the common council. If the mayor shall file with the recorder his objections in writing to any ordinance, resolution or bill passed or allowed by said council within two days after the passage or allowance of the same, setting forth his reasons for not approving the same, such ordinance, resolution or bill shall not become operative, unless again passed or adopted by a vote of two-thirds of all the aldermen elect.

SEC. 2. The recorder shall be clerk of the common council, and shall perform all the duties and have all the statutory powers of a township clerk in respect to the filing and custody of all papers required to be filed, and the performance of all statutory duties. He shall give such bond as the common council may require. He shall keep a fair and accurate record of the proceedings of the common council and a record of all claims allowed by them. He shall also draw all orders on the treasurer for claims and accounts allowed by the common council and, if required, keep an account, as near as may be, to which fund the same belongs; and he may have a clerk, who may perform all the duties aforesaid, and shall be known as the recorder's clerk. He shall record in the records of said city all official bonds after the same have been approved by the common council.

Recorder, duty of.

SEC. 3. The recorder shall be subject to removal from office by a vote of two-thirds of all the members of the common council, for any gross neglect in the discharge of any of his ministerial duties as clerk of the common council, or for any gross neglect in the discharge of any duty imposed upon him by law. Whenever the recorder is removed from office by the common council, or such office otherwise becomes vacant, or in case any person elected to such office fails to qualify within the time prescribed by law, the common council may fill such vacancy by appointment for the remainder of the term of said office.

Removal of recorder.

Filling vacancy in office of recorder.

SEC. 4. It shall be the duty of every alderman in said city to attend the regular and special meetings of the common council to act upon committees when thereto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act.

Aldermen, duty of.

SEC. 5. The marshal of said city shall be the chief of police; see that all the by-laws and ordinances of the common council are properly and efficiently enforced, and especially those which may be passed to carry into effect those parts of this act relating to police and sanitary regulations. He shall obey all the lawful orders of the mayor, and may command the aid and assistance of all constables and other persons, in the discharge of the duties imposed upon him by law; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city or of the people of the State, as sheriffs or constables have by law to execute similar process.

Marshal, duty of.

SEC. 6. The city attorney shall have charge of and conduct all the law business of the corporation, and in which it shall be interested, except otherwise ordered by the common council in special cases, and shall also advise the common council, boards of the city, and their officers and committees, upon all matters

City attorney, duties of.

appertaining to the business of said city, and the enactment of laws and ordinances, when submitted to him for his opinion.

City treasurer,
duties of.

SEC. 7. The city treasurer shall have the custody of all the money and valuable papers and obligations [belonging] belonging to the corporation, and shall keep a just and true account of all moneys received and disbursed by him, and no money shall be paid out except upon the order of the common council and upon warrants drawn by the mayor and recorder, and for school purposes upon proper authority. He shall once in each year, and oftener if required, settle with the common council, and shall pay over all moneys in his hands upon the order of the common council, and shall deliver all obligations and valuable papers in his possession to his successor in office when required. He shall also receive all moneys belonging to the city and collect all taxes levied or assessed therein, except as otherwise provided herein, and for that purpose he shall give bond to said city, in such sum and with such surety or sureties as the common council shall require and approve, such bond to be deposited with the recorder, and such treasurer shall also give to the treasurer of the county of Marquette such further security as is or may hereafter be required by law of the several [township treasurers of the several] townships of this State; and for the purpose of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, the said treasurer, on giving the bonds or surety so required, shall possess all the powers and perform all the duties of the several township treasurers of this State, as prescribed by law and shall also perform such other duties respecting the collecting and return of taxes as this act imposes. The treasurer shall have the custody of all mortgages, notes, leases and evidences of debt belonging to said city.

Bond to city.

Bond to county.

Supervisors, du-
ties and compen-
sation of.

SEC. 8. The supervisor of each ward shall have and exercise within his respective ward, all the powers, authority, and functions of supervisors of towns, as now provided, or may hereafter be provided by law, except as assessor, and except as herein otherwise provided; and each of them shall be members of the board of supervisors of the county of Marquette, and as such shall be entitled to the same compensation, and shall be paid in the same manner, and they shall perform, as supervisors, such other duties as by this act shall be required of them: *Provided*, That in case any supervisor shall be temporarily absent from the city or from sickness or other cause shall be unable to act as such supervisor, on said board of supervisors, an alderman of his ward having the shortest time to serve, shall, during the time of such absence, sickness, or other disability, act as the supervisor of his ward, and for the time being possess all the powers and discharge the same duties as the supervisor of the ward; and in case neither can attend, the common council shall appoint some suitable person or persons to act as supervisors until such disability ceases.

Proviso.

Justices of the
peace, jurisdic-
tion of.

SEC. 9. The justices of the peace of said city shall file their oaths of office in the office of the county clerk of the county of

Marquette, and shall have, in addition to the jurisdiction conferred by this act on them, the same jurisdiction, powers, and duties conferred on justices of the peace in townships, and shall have jurisdiction of all actions brought for the recovery of any fine, penalty or forfeiture imposed by this act or any ordinance of said city.

SEC. 10. It shall be the duty of the justices of the peace of said city to keep their offices in said city, and attend to all complaints of a criminal nature which may properly come before them; and they shall receive for their services, when engaged in cases of the violation of the ordinances of said city, such fees as the common council shall by ordinance prescribe.

Keep office in city.

Fees.

SEC. 11. The justices of the peace of said city shall pay over to the county treasurer on or before the second Monday of each month, all fines received by them during the preceding calendar month, for any breach of the penal laws, and if any such justice shall neglect to pay over such money so received by him as aforesaid, he shall be punished in the manner prescribed for the punishment of justices of the peace under the general laws of the State who neglect to pay over fines collected by them.

To pay county treasurer certain fine.

Such justices shall, on Monday of each week, pay over to the city treasurer of said city, all moneys collected by them during the preceding week, for violations of the ordinances of said city, or the provisions of this act, except as above mentioned. If any such justice neglects to pay over such money to said city treasurer, when required so to do as aforesaid, for ten days thereafter, he shall, upon conviction, be punished by a fine of not less than ten dollars, nor more than fifty dollars, with costs of suit, or by imprisonment not less than ten days, nor more than sixty days, in default of the payment of such fine; and upon such conviction, the justice before whom he is convicted shall also ascertain the amount of money which should have been paid over by the defendant to said city treasurer, as proved on the trial, and thereupon such defendant shall be sentenced to imprisonment in the county jail until such money is paid over by him to said treasurer, in addition to the other punishment hereinbefore provided, not to exceed ninety days in all.

To pay city treasurer certain fine.

When the cause is tried by a jury, they shall report in their verdict, if they find the defendant guilty, the amount of money which he has not paid over to the city treasurer, but nothing herein contained shall be held to in any wise affect the security bond or recognizance given by such justice. Such conviction [conviction] shall also operate as a forfeiture of the office of such justice so convicted, and in all cases of conviction under this section the defendant may appeal or take a *certiorari* in the same manner, and within the same time as for appealing or taking a *certiorari*, under the general laws of the State, in criminal cases before justices of the peace.

In case of neglect.

The term of office of all justices of the peace elected in said city, shall commence on the fourth day of July next succeeding their elections, except when elected to fill [an existing] vacancy, when they shall qualify within ten days after their election and may, thereupon, enter

Term of office.

Bonds.

upon the duties of their offices. All justices of the peace shall give a bond or recognizance to the city of Negaunee in the sum of one thousand dollars, with two or more sufficient sureties, to be approved by the mayor or common council, conditioned to pay over to the city treasurer all sums of money that may come into his hands, as such justice, which may belong to the treasury of said city, under the provisions of this act, the ordinances of said city or under any other law of the State. Such bond of recognizance shall be filed with the mayor within the time limited for filing their official oaths. The common council may, at any time, order such justice to file additional security in such amount as it may deem proper, and in case such justice neglects, for the space of ten days, to file such additional security, after being personally notified by the recorder, the office of such justice shall become vacant, which said security must be satisfactory to the common council.

Police constables.

SEC. 12. The police constables of said city shall have and receive the same fees and have the like powers and authority, in matters of a criminal nature, as is conferred by law upon constables in the several towns of this State, and shall, if required, by the common council, give like security; and each constable shall possess the same powers, and be under the same duties and obligations, as constables of townships, and shall give like security.

Statement of school funds.

SEC. 13. The city treasurer shall, whenever required by the school board of school district No. 1, of the city and township of Negaunee, lay before such board a statement of the condition of the several funds of said school district, and shall exhibit to said district board all vouchers, orders or other papers, books or documents belonging to said school district, whenever required by said district board, and in case such city treasurer shall refuse or neglect for the space of ten days to submit to the inspection of said district board, the accounts kept by him of the moneys and funds of said school district in his possession, said district board may remove said city treasurer from office, in which case he shall not be re-appointed to fill the vacancy, except by consent of said district board.

Board of school inspectors, duties, etc.

SEC. 14. The school inspectors elected as hereinbefore provided, with the mayor and city attorney, shall constitute the board of school inspectors of said city, and shall perform the same duties as school inspectors of townships; and in the performance of such duties such school inspectors shall be governed by the same laws as school inspectors in townships. The recorder of said city shall be clerk of the board of school inspectors. The city treasurer shall be *ex officio* treasurer of the board of school inspectors. The mayor shall be chairman of said board. All money provided in this act to be raised for library purposes shall, when paid in to the city treasurer, be at the exclusive disposal of said board of school inspectors, and all orders drawn by said board on said treasurer shall be signed by the chairman and clerk. Said board shall purchase all the books for the city library, and shall have the exclusive

right to make rules for the government of said city library. Meetings of the board may be held whenever called by the mayor in addition to the times prescribed by the general laws of the State for holding meetings of boards of school inspectors; and said board may adopt rules and regulations providing for the holding of regular and special meetings, for the calling of the same, and for the mode of transacting business before said board. The treasurer shall keep all moneys raised for library purposes in a fund to be known as the library fund, and he shall, whenever required by said board, file a statement of the condition of said fund with the recorder of said city.

SEC. 15. The street commissioner, and such other officers or persons as the common council may direct and appoint, shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, sidewalks, cross-walks or other public grounds, within the limits of the city in such a manner as he or they may be from time to time directed; and such street commissioner shall collect all capitation or poll-taxes in their respective wards, and all resident highway labor, or tax therein which overseers of highways are authorized to collect in their respective highway districts; and such commissioner of streets and highways shall be overseer of highways and vested with all the powers of overseers of highways under the laws of this State, now or hereafter in force in this State; and such commissioner may pursue and adopt the same course in collecting all highway tax, and in the performance of all duties, as overseers of highways in townships may adopt, and he may collect all such taxes in such manner as the by-laws or ordinances in force in said city may prescribe; and he shall give a bond in such penalty and with such surety as the common council may prescribe and direct, conditioned for the faithful performance of his duties as such street commissioner, and for the accounting for and paying over all moneys that may come into his hands as such officer by virtue of his office; and he shall be the fence viewer of the city, and possess all the powers and be subject to the same liabilities as fence viewers in townships.

Street commissioner, duty of.

SEC. 16. All other officers whose duties are not herein expressly prescribed, and which the common council are herein authorized to appoint, shall perform such duties and give such security as the common council may require; and all officers appointed by the common council, or who shall have the control or management of any of the money or property of the city, shall be required to give such security as the common council shall prescribe and approve, and in default thereof the common council shall declare the office vacant.

Powers and duties of other officers.

CHAPTER VII.

OF COURTS OF JUSTICES OF THE PEACE.

SECTION 1. The justices of the peace in said city hereinbefore mentioned, shall be justices of the peace of the county

Jurisdiction, etc.

of Marquette, and shall have, exercise and possess all the powers and jurisdiction now or hereafter conferred by law on justices of the peace in townships, in relation to civil and criminal cases and proceedings, and in addition thereto, all actions and proceedings within the jurisdiction of justices of the peace in townships, may be commenced and prosecuted in said justices' courts, when the plaintiff or defendant, or one of the plaintiffs or defendants, resides in a township or city adjoining the townships of Richmond and Tilden, or in either of said townships of Richmond and Tilden.

Exclusive jurisdiction.

SEC. 2. The justices of the peace of said city shall have exclusive jurisdiction in all cases for offenses committed against any ordinance or by-law, rule or regulation of said city, and for offenses committed against any of the provisions of this act except as herein provided to the contrary.

Of proceedings before justices.

SEC. 3. All proceedings before justices of the peace in said city, for a violation of any ordinance of said city, or for a violation of any of the provisions of this act, shall be by complaint and warrant, except as herein provided to the contrary.

The following form of complaint shall be sufficient:

-----being duly sworn, says that on the-----
day of-----18--, one-----violated an ordinance
of the city of Negaunee, entitled (here insert the title of the ordinance) for that the said-----did (here insert the facts going to show a violation of the ordinance).

All complaints must be signed and sworn to, the same as complaints in criminal cases under the general laws of the [this] State. Complaints for a violation of any of the provisions of this act may be in the same form, except that the number of the section and chapter of this act violated shall be stated instead of the title of the ordinance, and the same complaint may include a charge of violating any [provision] provisions of this act, as well as any ordinance passed pursuant to the provisions thereof.

Who may make complaint.

SEC. 4. Such complaint may be made by any member of the common council, the city attorney or marshal, on information and belief, or by any other person, having cognizance of the facts, or having good reason to believe that the offense complained of has been committed, and in all cases any person making such complaint shall deposit a sufficient sum of money not to exceed five dollars, as security for costs, in case the complaint is dismissed by the justice, except that the city attorney, marshal, constables, and members of the common council shall not be required to deposit any such security.

Security for costs, etc.

Justice to issue warrant.

SEC. 5. Upon such complaint being made it shall be the duty of the justice before whom the same is made, to issue a warrant for the arrest of the person or persons charged with the offense which warrant shall be substantially as follows:

To the marshal or any constable of the city of Negaunee:

Form of.

You are hereby commanded in the name of the people of the State of Michigan to arrest-----and bring him forth-with before me, the undersigned, a justice of the peace of said, city of Negaunee, to answer a complaint made by-----

for a violation of (here insert the title of the ordinance or number of the section or both, as the case may be, that are claimed to have been violated) the said.....being charged in said complaint with having (here insert the facts substantially as stated in the complaint which tend to show a violation of the ordinance or section and chapter aforesaid).

You are also hereby commanded in the name of said people of the State of Michigan, to summon.....as witnesses on behalf of the city of Negaunee.

Given under my hand this.....day of.....18--
.....justice of the peace.

SEC. 6. Such warrant may be executed by the marshal or by any of his deputies, or by any constable of said city, and the officer executing the same shall have the same powers as the sheriff in executing criminal warrants against persons accused of misdemeanors, and he shall bring the person arrested before the justice who issued said warrant, or in case such justice is absent from his office or is unable to try the case, or has resigned or is dead, then the officer making the arrest, or having charge of the person or persons arrested, may bring him or them before any other justice in said city. All persons, male and female, shall be liable to arrest and imprisonment for a violation of any ordinance of said city, or of any of the provisions of this act, in the same manner that such persons could be arrested and imprisoned if charged with a misdemeanor.

Execution of
warrant.

SEC. 7. Upon the person or persons arrested being brought before such justice, he or they shall plead to the complaint, or in case of refusal to plead, the justice shall enter a plea of not guilty after the complaint is read, or if such complaint is insufficient, and does not set forth an offense against the [ordinances] ordinance of said city, or provisions of this act, may move to quash such complaint. If such complaint is quashed the defendant shall be discharged from custody. If such complaint is sufficient, and the defendants deny their guilt, they shall plead not guilty to said complaint, or the court shall enter a plea of not guilty, in case the defendants refuse to plead, and thereupon such cause shall be deemed at issue, between the city of Negaunee, complainant, and said defendant or defendants, and thereupon in said cause the same proceedings shall be had up to and including the rendition of the verdict or judgment as in civil and criminal causes before justices of the peace in townships, except as herein provided to the contrary, and except that if said city demands a jury, no fees for such jurors shall be required to be deposited with said justice. Such jury shall be selected in the same manner and the same challenges shall be allowed as in civil cases before justices, except that it shall not be a cause of challenge or excuse that any person summoned as a juror has been on a jury in said city or county during the preceding year, or that he is a member of any fire company. Justices in all such cases shall have the same power to punish jurors or witnesses who refuse to serve or attend, and to punish for contempts, and to exercise jurisdiction in all cases

Proceeding on
trial, etc.

arising under the ordinances of said city or provisions of this act that justices in townships have or may hereafter have in civil cases.

When case is
adjourned, etc.

SEC. 8. If any such cause, commenced by warrant and complaint is adjourned on request of either party, the defendant shall, if required by the justice before whom he is brought, to enter into a bond or recognizances to the city of Negaunee in the sum of not less than fifty dollars nor more than five hundred dollars, in the discretion of the justice, conditioned to appear on the adjourned day before such justice as the case may be transferred to, and abide the further order of the court, and not depart the court without leave. Such bond of recognizance shall be valid until the final determination of the case. When the case is adjourned the defendant shall be committed to the city prison until the case is tried, unless he gives bail as aforesaid, if required by such justice. And upon the conviction and sentence of the defendant, the marshal or any constable of said city present, when ordered by the justice, shall take such defendant into custody until the commitment is ready. If the defendant does not appear on any adjourned day, or does not render himself into custody upon conviction, the bond or recognizance shall be declared forfeited by such justice, who shall enter such forfeiture on his docket, briefly reciting the facts, and thereupon the city attorney or other authorized agent or attorney of said city, shall commence an action of covenant, or other appropriate action on said bond or recognizance on behalf of said city, in any court of competent jurisdiction of this State, where the sureties may be found. The common council shall have power to compromise with such sureties at any time before judgment.

Use of county
jail.

SEC. 9. Said city of Negaunee shall be allowed the use of the common jail of said county of Marquette for the imprisonment of all persons liable to imprisonment therein under the ordinances of the common council of said city, or under any of the provisions of this act, or such persons may, at the option of the justice committing them, be imprisoned in the city prison of said city, and all persons committed to said county jail or city prison for a violation of any ordinance of said city, or for a violation of the provisions of this act, shall be in the custody of the keeper of the common jail of said county, or [of] the keeper of said prison, according as the case may be, during the term of such sentence.

Commitment, to
issue, etc.

SEC. 10. The justice before whom any person is convicted shall thereupon render judgment against such person according to the terms of the ordinance or provisions of this act violated and shall issue his commitment against such person, and shall, also, on request of said city attorney, issue an execution against the goods and chattels of such person not exempt from execution, which execution shall be in the same form as in civil cases, and shall recite the pecuniary penalty with costs only. Any officer herein [mention] mentioned, who neglects or refuses to execute any process under this chapter shall be

liable to the same penalties and damages which are incurred by sheriffs for neglecting or refusing to execute civil process.

SEC. 11. The expenses of apprehending, examining, and committing offenders against any law of this State in the said city, or by any officer of said city, and of their confinement, shall be audited and paid by the board of supervisors of the county of Marquette, in the same manner as if such expenses had been incurred in any township of said county; and the board of supervisors in said county of Marquette shall audit and allow all legal charges against said county presented to said board by any justice of the peace or constable of said city. Expenses of.

SEC. 12. An action of debt or assumpsit may be brought by the city attorney, or by any member of the common council in the name of said city for the recovery of any fine, penalty or forfeiture incurred by the violation of any ordinance of said city or of any of the provisions of this act, and the proceedings shall thereupon be commenced by summons before any justice in said city which summons shall be returnable in not less than two nor more than twelve days, and shall be served at least one day before the return day thereof, and all subsequent proceedings in actions so commenced shall be the same as is herein provided for in cases commenced by complaint. Said justices of the peace shall have the same power to render judgment by default or on confession in all actions whether commenced by complaint or summons as justices of the peace in townships now or hereafter may have in civil cases, and may thereupon issue a commitment and execution the same as if the defendant appeared and proceeded to trial. Penalty may be sued for.

SEC. 13. The right to appeal or take a *certiorari* to the circuit court from the justices of the peace of said city, in all civil and criminal cases, is hereby given to all parties to the same extent and in the same manner, and within the same time as is now or may hereafter be provided by law for appeals from justices of the peace in townships under the laws of this State, and in such case said city shall not be required to pay any costs or fees on appeal, nor shall be required to give any appeal bond, but such appeal shall be considered as perfected, when the city attorney or other authorized attorney, on behalf of said city, files with the justice a notice briefly setting forth that said city feels aggrieved at the judgment rendered, and appeals therefrom to the circuit court. Such notice shall be filed within twenty days after the rendition of such judgment and thereupon said cause shall be deemed to be in the circuit court, and may be noticed for trial therein, the same as civil [causes] cases. If judgment is rendered against any defendant for a violation of any ordinance of said city, or of any of the provisions of this act, he may take a *certiorari* to the circuit court, in the same manner and within the same time as in civil cases before justices in townships, and no common law *certiorari* in any case shall be allowed. Appeals.

SEC. 14. The record of all proceedings and judgment aforesaid shall be kept and entered by such justice in his general City not liable for costs on appeal.
Time for filing notice of appeal.
Justice to enter proceedings on docket.

Judgment, how
proved.

docket, and all the laws of this State now or hereafter existing in relation to the entry of judgments in civil cases by justices of the peace shall apply to proceedings before justices in said city for a violation of any ordinance or of any of the provisions of this act. All judgments rendered by justices under [the] provisions of this chapter may be proved in the same manner that is now or may be hereafter provided by law for proving the proceedings or judgments of justices in townships in civil cases. All other proceedings in progress of any case, from its commencement until the rendition of judgment, for a violation of any ordinance of said city, or any [provision] provisions of this act, shall be the same as in civil cases before justices of the peace in townships except as is herein provided to the contrary. Whenever it becomes necessary to give effect to any provision of this act, all courts shall hold the singular number to mean the plural and the plural number to mean the singular. The words he, his, himself, shall be held to include she, her and herself whenever used in this act.

To be construed
liberally.

SEC. 15. All proceedings before said justices, or in any other court having jurisdiction under the provisions of this act, shall be construed liberally. The return of the marshal, or any of his deputies, or any constable of said city, to any warrant, summons or other writ or process placed in his hands for service, issued by any justice of said city, under the provisions of this act, shall have the same effect in giving the justice jurisdiction, and as evidence as the return of [a] the sheriff or constable, in any civil process issuing out of any of the courts of this State.

Form of commit-
ment.

SEC. 16. All commitments issued against any person sentenced to the county jail, for a violation of any ordinance of said city or of any of the provisions of this act, shall be substantially as follows:

To the marshal of the city of Negaunee, and to the keeper of the county jail of Marquette county:

WHEREAS, -----
was convicted before me a justice of the peace of the city of Negaunee on the ----- day of -----, 18-- of having violated an ordinance of said city entitled (here insert the title of the ordinance, or the number of the section and chapter of this act violated, or both, as the case may be) and, whereas, on such conviction, I sentenced him (or them) to pay a fine, (here insert the fine, or fine and costs imposed, and the alternative imprisonment) and said fine and costs have not been paid, therefore,

In the name of the people of the State of Michigan:

You are hereby commanded to take the said ----- and deliver him to the keeper of said jail, and you, the said keeper, are hereby commanded, in the name of said people of the State of Michigan to safely keep said ----- in your custody for ----- days from the date of

said conviction, unless he pay said fine and costs, or is otherwise discharged according to law.

Dated Negaunee, Michigan,-----, 18--
-----, *justice*.

If any person so committed shall pay the fine and costs stated in said commitment to said keeper, together with the accrued cost of his board, said keeper shall discharge said person, and forthwith pay over said fine and costs to the treasurer of the city of Negaunee. When any person is directed to be imprisoned in said city prison, the commitment shall be directed to the keeper of said city prison. The marshal, or any of his deputies, or any constable of said city, shall have power to execute such commitment. The foregoing form of commitment shall be the final process, except as is herein provided to the contrary, used in all actions under the ordinances of said city or provisions of this act, where judgment is rendered against the defendant, whether commenced by complaint or summons.

SEC. 17. In all suits in which the corporation of the city of Negaunee shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as an officer, witness or juror [on] or account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with all the inhabitants of said city. Competency of witness, jurors, etc.
Proviso.

SEC. 18. The mode of procedure in this chapter contained shall be held and deemed to apply to violations of the ordinances of said city or the provisions of this act only. The mode of procedure in civil and criminal cases, and proceedings, shall be the same as before justices of the peace in townships under the general laws of this State; and by the term civil cases is meant all civil actions and proceedings that may be brought before justices of the peace in townships under the general laws of this State. In the trial of any case for the violation of any ordinance of said city, the justice trying such case shall take judicial notice of the existence of such ordinance. To apply to violation of ordinances, etc.

CHAPTER VIII.

OF TAXATION, TAXES, AND COLLECTION THEREOF.

SECTION 1. The city assessor shall make and complete the assessment of all the real and personal property in said city liable to be taxed, in the same manner as near as may be, as is required by law for the assessment of property in the several townships of this State, and in so doing shall, in all respects, unless when otherwise in this act provided, conform to the provisions of the law governing the actions of supervisors of the several townships of this State, in the assessment of property and the levying of taxes. He shall personally inspect and place his own valuation on all property in said city liable to taxation. Assessor to make assessments in same manner as in townships.

SEC. 2. On the second Monday of July, and for so many days next thereafter as may be necessary, in each and every Board of review.

year, not exceeding three days in all, it shall be the duty of the common council to meet at nine o'clock in the forenoon of said day or days, at the common council rooms; and the said common council, or any six of them, when assembled together as aforesaid, shall constitute a board of review for the purpose of reviewing the assessment roll of said city, and of correcting any and all errors which said board, or a majority of them, may discover in said roll, and of exercising all the powers which supervisors of townships are authorized to exercise at the time appointed by law for the review of their assessments; and any member of said board is hereby authorized to examine on oath any person who shall make an application to said board and also to administer any oath to any such person, or to any person who may be required to file any affidavit with them or either of them.

Who to constitute
board of review.

SEC. 3. When the said board has reviewed and completed the assessment roll, it shall be their duty or the duty of the majority of the members of said board to attach to said roll signed by them, a certificate which may be in the following form: "We do hereby certify that the above assessment roll contains a description of all the real estate in the city of Negaunee liable to be taxed, according to our best information, and that we have estimated the same at what we believe to be the true cash value thereof, and not at the price it would sell for at a forced auction sale; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that we have estimated the same at its true cash value, according to our best information and belief."

Board to attach
certificate to roll.

SEC. 4. The members of said board may make such certificate from such knowledge as they may possess or can acquire while sitting on said board.

SEC. 5. When the assessment roll is thus completed it shall be retained by the assessor and by him presented at the annual meeting of the board of supervisors of the county of Marquette, and at such other times as township assessment rolls are required to be produced at any meeting of said board of supervisors for equalization or for any other purpose prescribed by law; and said assessor shall be entitled to the same notice of such [meetings] meeting of the board of supervisors that township supervisors are or may be entitled to, in like manner and with like effect as is or may be provided by law for the equalization of township assessment rolls; and when so equalized it shall be returned to said assessor in the same manner that township assessment rolls are returned to supervisors, and the duty of said assessor in extending all the taxes that may be ordered assessed and extended on said roll, and in relation to all other matters in assessing and extending such tax roll, not inconsistent with the provisions of this act, shall be the same as those of supervisors of townships. Said assessor shall have the right to debate on said board of supervisors in regard to any tax roll or assessment roll, but shall have no vote on said

Form of.

Certificate made
from knowledge.

Roll to be pre-
sented to board
of supervisors
by assessor.

When equalized.
Roll to be de-
livered to city
assessor.

Right of assessor
on board of
supervisors.

board of [supervisor] supervisors and shall not be a member of said board of supervisors.

SEC. 6. The assessor in said city shall complete the tax roll of said city in the manner required in the case of township tax rolls, and deliver the same with his warrant thereto attached, to the city treasurer within the time prescribed by law for the completion and delivery of the township tax rolls, to the respective township treasurers of this State, and the warrant of the assessor annexed to the tax roll of said city as aforesaid, shall have the same force and effect as the warrants of the supervisors of the several townships, required by law to be annexed to the tax rolls of the several townships of this State: *Provided*, Security has been given by such city treasurer as required by law or in this act provided; but if such security shall not have been given by such city treasurer in the manner and in the time required, the common council shall immediately appoint some suitable person, who shall give the required security, to collect such tax roll, who shall be styled a collector, and the person so appointed shall thereupon be entitled to receive said tax roll, and [shall] collect and pay over such taxes and make return of his doings thereon in the same manner, and shall have all the power and perform all the duties and be subject to the same liabilities in this act conferred upon the city treasurer of said city for the purpose of the collection and return and paying over of said taxes.

Assessor to deliver roll to treasurer.

Provide as to security of city treasurer.

SEC. 7. For the collection of all taxes, the city treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as is or may at the time be allowed by law to township treasurers for the collection of taxes. The said treasurer shall collect the tax roll put into his hands, by the assessor, within the same time and in the same manner that the several township treasurers of this State are required to collect their tax rolls, and he shall make his return to the county treasurer within the same time and in the same manner as township treasurers, and he shall possess all the powers and perform all the duties of township treasurers of this State, as prescribed by law, which are not inconsistent with this act.

Collection fees.

Time and manner of collecting taxes.

SEC. 8. The common council shall have authority to assess, levy, and collect taxes on the real and personal estate taxable in said city, in each year, by general tax for the following purposes:

General tax, purposes of.

First, For city purposes, for defraying the ordinary expenses of the city, one-half of one per cent on the valuation of taxable property of said city, in each year;

City purposes.

Second, For highway purposes, for opening and improving the streets, highways and water-courses of said city, one-half of one per cent on said valuation;

Highway.

Third, For fire department, for purchasing and maintaining fire-engines, hose, hooks and ladders, and hose carts, and the necessary lands and houses for keeping the same, for defraying the expenses of the fire department, including salaries of engineers and firemen, and for building reservoirs, one-half of one per cent on said valuation;

Fire department.

Sewer.

Fourth, For trunk sewerage and to defray the cost and expense of building a trunk or main sewer, into which all street sewers shall be emptied, the common council shall levy not to exceed one-half of one per cent of said valuation, to be known as the sewerage fund, and no portion of the money of said sewerage fund shall be appropriated for any other purpose, or transferred to any other fund or funds: *Provided,* That such sewer shall be constructed only by contract, and that such contract shall be let to the lowest responsible bidder, who shall give good and sufficient bond, to be approved by the common council, conditioned for the faithful performance of such contract;

Proviso.

Water-works.

Fifth, For maintaining a system of water-works, not exceeding one-fourth of one per cent.

Funds to be kept separate.

The foregoing funds shall be placed in separate columns on the tax roll of said city, and shall be known as the city tax, highway tax, fire department tax, sewer tax and water tax, respectively, and shall be placed on the same roll with the State, county, and school tax. All taxes raised in said city for school purposes, including the two mill tax, and library tax, shall be placed in one column, and shall be known as the school tax. Said common council may also levy and raise by tax, in addition to the foregoing taxes, such sum or sums as may be required to pay any indebtedness of said city, lawfully contracted, maturing or falling due within the ensuing year, arising from loans previously made by the city, or the interest thereon, or to pay for any property purchased by said city, authorized by the provisions of this act, and any such tax shall be placed in a separate column on said tax roll, and shall be known as special tax. All of said taxes shall be a lien on the property on which they are levied from the first Monday of December of the year in which they are assessed until paid, and shall also be a personal charge against the persons assessed on said roll from the second Monday of May of each year. The common council shall have no power to raise any additional taxes in any year in said city, except as provided in this section, unless otherwise authorized by any of the provisions of this act, or by the general laws of this State.

Additional tax to pay indebtedness.

Taxes to be lien on property.

Who liable to poll tax.

SEC. 9. The common council shall have power to assess and collect from every male inhabitant of said city over the age of twenty-one and under the age of fifty years, except paupers, idiots, lunatics, and persons otherwise exempted by law, an annual capitation or poll-tax, not exceeding one dollar, and [they] may provide by their by-laws for the collection of the same: *Provided,* That any person assessed for a poll-tax may pay the same by one day's labor upon the streets, under the direction of the commissioner of streets and highways, who shall give to each person so assessed and electing to pay the same in labor, notice of the time and place when and where such labor will be required; and the money raised by such poll-tax, or labor in lieu thereof, shall be expended or performed under the direction of the common council.

Proviso.

SEC. 10. All State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers; and all the proceedings for the return, sale and redemption of real estate for the non-payment of taxes, shall be in conformity with proceedings for the return, sale, and redemption of real estate by township officers, except as herein otherwise provided.

SEC. 11. It shall be the duty of the common council of said city, on or before the Friday preceding the second Monday of October in each year, to determine, by resolution, the amount necessary to be raised by tax for city purposes within said city for such year; and it shall be the duty of the recorder, on or before the Saturday preceding the second Monday of October in each year, to furnish to said assessor a statement, certified by said recorder, of the taxes voted to be raised in said city, who shall lay the same before the board of supervisors of Marquette county, at its annual meeting in each year; and it is hereby made the duty of said assessor to levy the same, and such other taxes as may be required by law, upon the taxable property of said city in the same manner as taxes for township purposes are required by law to be levied by the supervisors of the [townships] township of this State; and no property shall be exempt from taxation in said city except such as is now or may hereafter be exempted under the general laws of this State.

SEC. 12. The taxes so levied for city purposes and all other purposes shall be and remain a lien upon the property on which the same was levied or assessed in the same cases, to the same extent, and in like manner as the taxes required by law to be levied on property in the several townships of this State are liens upon such property, and all provisions of law respecting the return and sale of property for the non-payment of such city and other taxes, shall apply to the return and sale of property for the non-payment of such city and other taxes, except as herein otherwise provided.

SEC. 13. No general or special tax assessed in said city, upon any property therein, shall be held invalid for the purpose of collecting the same, for want of any matter or thing not [affecting] effecting the merits thereof; nor shall any excess of tax render any sale of personal property invalid, unless the legal amount of tax, costs and charges were tendered to the officer collecting the same, before sale of such property; and in all cases of sales of real estate for taxes, the same may be redeemed within the time, and upon the terms as provided for in the general laws of this State, and such sale shall have such legal effect as is or may be hereafter given in the general law, to sales of land for taxes; but such sale in all cases shall be presumed *prima facie* to be regular.

SEC. 14. Whenever the common council shall order any street or any portion thereof to be graded, paved, or shall order the construction of any sewer, bridge, culvert, or other like

State, county and school taxes, how levied.

Council to determine amount of taxes annually.

To be levied as township taxes are.

To be a lien on property.

Validity of taxes and tax sales.

Sale and redemption.

Contracts for certain improvements.

improvement, it shall enter into a contract for the making of such improvement according to the provisions of this charter, and the laws and ordinances of the city; and after the cost and expense thereof has been ascertained, it shall cause the same to be assessed upon the lots and real estate herein made subject to such assessments as hereinafter provided.

Manner of assessing costs of same.
Local assessment districts.
Special assessment roll.
 SEC. 15. For the purpose of such assessment, the assessor shall immediately proceed to establish and define a local assessment district, and shall make out a special assessment roll of all the lots and parcels of real estate within such district, and assess the entire cost and expense of such improvement upon the said lots and parcels of real estate, assessing upon each lot or parcel of real estate in each district, its just proportion of the whole amount of such cost and expense, having reference to frontage only.

Review of by council.
 SEC. 16. On the completion of such assessment roll by the assessor, he shall immediately submit the same to the common council who shall have power to revise the same, and may change the limits of the assessed district, or may order a new assessment roll to be made by the assessor and submitted to the common council for approval.

Recorder to give notice of meeting for confirmation of roll.
 SEC. 17. After the said assessment roll has been approved by the common council, the recorder shall give notice of at least ten days, by publication in some newspaper printed in said city, or by hand-bills posted in at least ten conspicuous places within the said assessment district, that the common council will meet on a day and at an hour specified in said notice, to consider the final confirmation of said assessment roll. If a quorum of the common council shall not be present at such meeting, or if the revision of such assessment roll cannot be completed thereat, it may be adjourned from time to time for that purpose without further notice.

Confirmation.
 SEC. 18. When all needful revision and correction of such assessment roll have been made to the satisfaction of the common council, it shall, by resolution, confirm the same. After such confirmation, such assessment shall constitute a lien until paid, upon said lots or parcels of real estate, and shall be collected in such manner as may be authorized by the general ordinances of said city.

When part of improvement paid out of general fund.
Proviso.
 SEC. 19. Whenever the common council shall deem it just that a portion of the costs and expenses of opening and improving any new street, or of [constructing] construction or [reconstructing] reconstruction any bridge, culvert or sewer, should be paid out of the general fund of the city, or out of money borrowed for municipal purposes, it may by resolution determine what proportion of the entire cost and expense of such improvement shall be [so] paid, and the remainder of such cost and expense shall be assessed upon the lots and parcels of land deemed to be benefited thereby, as hereinbefore provided: *Provided*, That the proportion of [cost] costs of construction of any such sewer which the council may determine, shall be paid for in part out of the general fund except in case of the trunk sewer mentioned in section eight of this chapter,

shall not exceed one-half of the total cost of construction, unless the same be for the exclusive benefit of the public property: *And provided further*, That the proportion of [cost] costs so paid for out of the general fund shall be for the common public benefit; but the common council, upon good cause shown, may order paid out of the general fund, the amount of any special assessment upon property the owner of which is too poor to pay the same. Further proviso.

SEC. 20. It shall be lawful for the common council to ascertain and apportion the proper cost under the contract of grading and paving the spaces at intersecting cross streets and alleys, and also the cost of the cross-walks, or constructing sewers at crossings, and to pay for the same out of the general fund, and to cause the residue of the cost of the work to be assessed upon the adjacent property and collected in the manner hereinbefore provided in this act. Council to apportion part to be paid from general fund.

SEC. 21. Whenever it shall be necessary to take up entirely and lay anew the pavement of any portion of any street previously paved, or to change the grade of any street previously graded, it shall be the duty of the common council to direct the cost thereof and the cost of ordinary repairs to paved streets to be paid of the general road fund: *Provided*, If three-fourths in amount of the property owners upon said street, as shown by the last preceding assessment roll, petition for said repavement or change of grade, and ask the expense thereof be assessed upon the adjacent property, then it shall be the duty of the common council to direct such expense to be assessed upon said adjacent property, as near as may be, in the manner provided in the preceding sections of this chapter. Cost of repaving, etc., to be paid from general fund.

SEC. 22. Whenever any special assessment for the improvement of a street or for any other public work, shall in the opinion of the common council, be invalid, said council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made for the purpose for which the original assessment was made. Such new assessment shall be made in the manner provided for making original assessments of like nature in force at the time when such assessment shall be made. And whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment set aside or held invalid as aforesaid, has been paid, and shall not have been refunded, it shall be the duty of the receiver of taxes to apply said payment upon the re-assessment on said lot or parcel and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter making special [assessments] assessment a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection of special [assessments], assessment shall apply, to re-assessments made under this section. Re-assessment in case of vacation of special assessment.

Amount paid on old assessment to be credited on new roll.

Collection may
be made by dis-
tress and sale.

Proviso relative
to collections by
suit.

Railroads to
maintain street
crossings, etc.

Proviso.

SEC. 23. The common council shall have power to provide by general ordinance for the collection of all special assessments, by distress and sale of personal property of the person liable to pay such assessments, whenever the same may be found within the county of Marquette, and in case no such personal property be found, by a sale of the real estate on which such assessment is levied: *Provided*, That the common council may, in case of any special assessment direct a suit to be commenced and prosecuted in the name of the city, in any court of competent jurisdiction for the recovery thereof; and in such case an action of debt or assumpsit may be maintained thereon, and the several courts of this State shall have and exercise jurisdiction thereof in the same manner and to the same extent as in the case of suits between individuals.

SEC. 24. Every person, copartnership or corporation owning or operating any railroad crossing the streets of said city, shall provide and maintain suitable crossings; and whenever in crossing any street, any cut or excavation shall be made, such person, copartnership, or corporation shall build and keep in repair in such manner as shall be approved by the common council, a good, strong and substantial double track bridge, and shall repair, strengthen, and rebuild the same whenever ordered by the common council; and if any such person, copartnership, or corporation shall neglect or refuse to construct, repair, strengthen or rebuild any such bridge in the manner and within such time as the common council shall direct, said common council shall procure the same to be done by contract in the same manner as in the case of street or other improvements, and may assess the expenses thereof, together with the costs of collection, upon the persons, copartnership, or corporation owning or operating said railroad as aforesaid, to be collected in the manner provided by the ordinances for collecting special assessments: *Provided*, That the common council may, if they shall deem it preferable, fill up such excavation and assess the expenses thereof as aforesaid.

CHAPTER IX.

COMPENSATION OF OFFICERS.

Compensation.

Mayor and
aldermen.

Marshal.

SECTION 1. The officers of said city shall be entitled to receive out of the city treasury the following sums in full payment for their services: The mayor and aldermen shall be entitled to no compensation; the recorder, city attorney, and assessor shall be entitled to receive respectively such sums as the common council may allow, not exceeding five hundred dollars per annum each; the marshal shall be entitled to receive not to exceed nine hundred dollars per annum which shall be in full for all services rendered to said city. Said marshal shall be entitled to receive from said city for the board of prisoners, confined in said city prison, on city process, the same compensation allowed the sheriff of Marquette county for board of

prisoners by the board of supervisors, and shall be allowed the use of the marshal's apartments in the city hall free of rent. Said marshal shall not receive from said city any other compensation, fees or perquisites, except as hereinbefore provided. The justices of the peace and constables shall be allowed the same fees as are by law allowed to corresponding township officers for similar services, but the marshal acting as deputy or under sheriff or constable shall be entitled to no compensation from the city for any services rendered by him to said city as such deputy or under sheriff or constable. The commissioner of streets and highways shall be paid at the rate of not to exceed two dollars and fifty cents per day for his services for the time he is actually employed, and at the same rate for parts of days. The school inspectors shall be entitled to not more than two dollars per day for the time actually employed by them. Policemen and nightwatchmen shall not be paid more than two dollars per day or night for actual services rendered. The common council shall have full and exclusive authority to prescribe the compensation of the foregoing officers of said city, subject to the foregoing limitations. If any officer whose compensation is limited in this act, accepts, receives or takes a greater salary, or compensation, or fees, or perquisites than is prescribed and limited in this act, in any manner whatever, either directly or indirectly from said city, he, and all members of the common council voting or allowing him the same, shall each be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, with costs, or by imprisonment, in default of paying fine, not less than thirty days nor more than ninety days, in the discretion of the court.

Justices and constables.

Street commissioner.

Policemen and nightwatchmen.

No officer may receive more than is herein allowed.

SEC. 2. The supervisor of each ward, acting for the time being as supervisors of said city, as above provided, shall receive as compensation for their services, while actually employed in their duty as members of the board of supervisors of Marquette county, the same sum per day as supervisors performing like duties in townships are or may be hereafter allowed by law, which compensation shall be audited and paid by the county as other supervisors are paid.

Compensation of supervisors.

SEC. 3. The accounts and demands of all persons against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the common council.

Accounts must be verified by affidavit.

SEC. 4. For the collection of all taxes the city treasurer, or other person appointed to collect the same, shall be entitled to receive such percentage as is or shall be prescribed by law for township treasurers, and may be added by him to the taxes, in like manner as township treasurers are or may hereafter be authorized to add the same. He shall be entitled to no compensation from said city for any service rendered in his capacity as treasurer. Whenever he is authorized to collect any special assessment he will be entitled to receive such percentage as may be allowed by law for collecting general taxes,

Fees for collection of taxes by treasurer.

Fees for collecting special assessment.

which percentage shall in all cases be paid by the parties assessed, and not by the city. He shall keep the accounts of the city in a fair and systematic manner; in such manner as shall be ordered by the common council. The mayor or common council shall have the right at any time to inspect his books of account, vouchers or other papers or documents held by him as such treasurer. He may have a deputy, for whose acts and compensation he will be wholly responsible.

CHAPTER X.

PUBLIC HEALTH.

Common council shall be the board of health.

Power of council as to public health.

SECTION 1. The common council of said city shall be the board of health of said city, and may appoint a competent physician to be the health officer thereof.

SEC. 2. The said common council shall have power, and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain and examine for that purpose, every person coming from any place infected or believed to be infected with such disease; to establish, maintain and regulate a pest-house, or hospital, at some place within the city, or not exceeding three miles beyond its bounds; to cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this State and who shall be, or be suspected of being, infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city infected with any such disease to be removed to such pest-house or hospital, if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such person is necessary for the preservation of the health of the city; to remove from the city or destroy any furniture, wearing apparel or goods, wares or merchandise, or other articles of property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be likely to pass into such a state as to generate or propagate disease; to abate all nuisances of every description which are or may be injurious to the public health, in any way and in any manner they may deem expedient; and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and suppression of disease in the city and to carry into effect and execute the powers hereby granted.

Public carriers to report certain cases of sickness.

SEC. 3. The owner, driver, conductor or person in charge of any stage-coach, railroad car or other public conveyance which shall enter the city having on board any person sick with malignant fever or pestilential or infectious disease shall, within two hours after the arrival of such sick person, report in writing the fact with the name of such person and the

house or place where he was put down in the city, to the mayor or some member or officer of the common council; and every neglect to comply with these provisions, or any of them, shall be a misdemeanor, punishable with fine or imprisonment; the fine to be not less than one hundred dollars nor more than one thousand dollars, or in default of payment thereof, the imprisonment to be not less than ninety days nor more than one year in the county jail.

Penalty for neglect.

SEC. 4. Any person who shall knowingly bring, or procure, or cause to be brought into the city, any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine or imprisonment, as prescribed in the preceding section.

Bringing infected property into city.

SEC. 5. Every keeper of an inn, boarding-house or lodging house in the city, who shall have in his house at any time any sick traveler, boatman or sailor shall report the fact, and the name of the person, in writing, within six hours after he came to the house or was taken sick therein, to the mayor or some officer or member of the common council. Every physician in this city shall report, under his hand, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease within six hours after he shall have visited such patient. A violation of either of the provisions of this section, or any part of either of them, shall be a misdemeanor, punishable by a penalty or imprisonment, before any justice of the peace of said city, the penalty not to exceed one hundred dollars nor the imprisonment three months.

Hotel keepers, etc., to report sick traveler.

Penalty for neglect.

SEC. 6. All penalties imposed under the last five sections of this act shall belong to the city, and when collected shall be paid into the city treasury, and be devoted to the maintenance and support of the pest-house or hospital that may hereafter be established in the city.

Disposition of penalties.

SEC. 7. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and proper, for the filling up, draining, cleansing, clearing and regulating any grounds, yards, basins, slips or cellars within said city, that shall be damp, sunken, foul, incumbered with filth and rubbish, or unwholesome, and [for] filling or altering and amending all sinks and privies within said city, and for the mode of constructing them in future, and to cause all such work as may be necessary for the purpose aforesaid, and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectfully upon whom the same may be assessed, and for that purpose to cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith to be sold in case of non-payment, in the same manner as is provided by law with respect to other public improvements within said city; and in all cases where the said by-laws or ordinances shall require anything to be done in respect to the property of the several per-

Additional power of council as to drainage, etc., of unwholesome places.

sons, the expenses thereof shall be included in one assessment, and the several houses and lots in respect to which such expenses shall have been incurred shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city; and the sum of money assessed to each owner or occupant of any such house or lot shall be the amount of money expended in making such improvement upon such premises, together with a ratable proportion of the expenses of assessing and collecting the moneys expended in making such improvement.

Removal of unsafe structures.

SEC. 8. Whenever, in the opinion of the common council, any building, fence, pole or other erection of any kind, or any part thereof, is liable to fall down, and persons or property may be thereby endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to take down the same or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the case may require; or may, in case the order is not complied with, cause the same to be taken down at the expense of the city on account of the owner of the premises and assess the expenses on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises, or be published in the city paper, as the common council shall direct.

CHAPTER XI.

PREVENTION AND EXTINGUISHMENT OF FIRES.

Council may designate fire limits.

SECTION 1. For the purpose of guarding against the calamities of fire, the common council may from time to time, by ordinance, designate such portions and parts of said city as it shall think proper, within which no building of wood shall be erected, placed or enlarged, and may regulate and direct the erection of buildings within such portions and parts, and the size and materials thereof, and the size of chimneys therein; and every person who shall violate any such ordinance or regulation shall forfeit to the city the sum of one hundred dollars, and every building erected contrary to such ordinance is hereby declared to be a common nuisance and may be abated and removed by such common council.

Scuttles on roofs.

SEC. 2. The common council may, by ordinance, require the owners or occupants of houses and other buildings to have scuttles on the roofs of such houses and other buildings, and stairs or ladders leading to the same; and whenever any penalty shall have been recovered against the owner or occupant of any house or other building, for not complying with such ordinance, the common council may, at the expiration of twenty days after such recovery, cause such scuttles and stairs or ladders to be constructed, and may recover the expenses thereof, with fifty per cent in addition, of the owner or occupant whose duty it was to comply with such ordinance.

SEC. 3. The members of each and every fire company organized in said city pursuant to the provisions of section seven of this chapter shall be exempt from serving on juries in the circuit court upon complying with the conditions hereinafter required. The common council may at any time disband any fire company and organize another in its stead and the validity of the organization of any fire company in said city shall be conclusive when the common council, by resolution entered in its records, declares such company to be fully organized. In order to entitle any member of any fire company in said city to exemption from jury duty, he must be an active member thereof, and shall have been in attendance at the meetings of such company and when such company assembles to work the engine or put out fires, on every occasion during the three months immediately preceding the application to be excused from jury duty unless absent from the city on business or unable to attend from sickness. The circuit court shall excuse any member of any fire or hose company in said city from serving on any panel of jurors at any term of said court upon presentation to said court by said juror of the proof required by the general laws of the State, that such juror is a member of any fire company in said city.

Firemen exempt from jury duty.

Council may disband or organize fire companies.

SEC. 4. The common council may regulate and direct the construction of safe deposits for ashes, and may compel the cleaning of chimneys, flues, stove pipes, and all other conductors of smoke and, upon the neglect of the owner or occupant of any house, tenement or building of any description, having therein any chimneys, flues, stove pipes or other conductors of smoke, to clean the same as shall have been directed by an ordinance, the common council may cause the same to be cleaned, and may collect the expenses thereof, and fifty per cent in addition, from the owner or occupant whose duty it was to have the same cleaned.

Deposits for ashes, etc.

SEC. 5. The common council may regulate the use of lights and candles in livery stables and other buildings in which combustible articles may be deposited, and may prescribe the use of lanterns or safety lamps in such buildings; and may regulate the transportation, keeping and deposit of gunpowder or other dangerous or combustible materials, and regulate or prevent the carrying on of manufactories which are dangerous in causing or promoting fires; and may authorize and direct the removal of any hearth, fire-place, stove pipe, flues, chimney or other conductor of smoke, or any other apparatus or device in which fire may be used or to which fire may be applied, that shall be considered dangerous and liable to cause or promote fires and generally may adopt such other regulations for the prevention and suppression of fires as they may deem necessary.

Use of lights in stables, etc.

Transportation and deposit of explosives, etc.

SEC. 6. For the purpose of enforcing such regulations, the common council may authorize any of the officers of the city, and may appoint persons, at all reasonable times, to enter into and examine all dwelling-houses, buildings and tenements of every description; and all lots, yard, inclosures and to cause

Council may authorize officers to inspect buildings.

such as are dangerous to be put in a safe condition; and may authorize such officers and persons to inspect all hearths, fire-places, stoves, pipes, flues, chimneys or other conductors of smoke, or any apparatus or device in which fire may be used, or to which fire may be applied, and remove and make safe at the expense of the owner or occupants of the buildings in which the same may be, and to ascertain the situation of any building in respect to the exposure of fire, and whether any scuttles and ladders thereto have been provided and, generally, with such powers and duties as the common council shall deem necessary to guard the city from the calamities of fire.

Fire companies,
etc.

SEC. 7. The common council may establish, maintain and regulate, all such fire-engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire-engines, and other implements and instruments necessary to be used to extinguish fires, and may provide suitable engine houses for such companies, and may appoint from among the inhabitants of said city such number of men, willing to accept, as may be deemed proper and necessary to be employed as firemen; and every such company shall make their own by-laws and rules for the organization and government of the company, subject to the approval of the common council, and may enforce and collect such fines for the non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire-engine, hose, hooks, ladders, and other instruments and implements in its charge in good and perfect repair; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire-engine and other implements in its charge, with a view to keeping the same in perfect order and repair; and upon any alarm or breaking out of any fire in said city, each fire company shall forthwith assemble at the place of such fire, with the engine and other implements of the company and be subject to the orders of the chief engineer or other person for the time being lawfully acting as chief engineer of the fire department.

Rules, etc.

Duty of.

Duty of marshal
at fires.

SEC. 8. Upon the breaking out of any fire in said city, the marshal shall immediately repair to the place of such fire, and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured; and in protecting, removing and securing the same, and for that purpose act as chief of police; and in pursuance of his duties, the marshal shall be in all respects obedient to the mayor, aldermen and firewardens, or either of them, or such of them as may be present at such fire; and the mayor, or any alderman may require the assistance of all bystanders in extinguishing such fire, and in the removal, preservation and protection of all property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished in the manner provided by the by-laws or ordinances

May demand
assistance.

Penalty for neg-
lect to obey.

of the common council, who are hereby authorized to pass such by-laws in relation thereto, as they may deem necessary.

SEC. 9. Whenever any person shall refuse to obey any lawful order of any engineer, firewarden, mayor or alderman, at any fire it shall be lawful for the person giving such order to arrest, or to direct orally any constable or watchman, or any citizen to arrest such person and confine him temporarily in a safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly.

In case of refusal to obey orders, etc., at fires.

SEC. 10. The engineers and firewardens, under the direction of the common council, shall have the custody and general superintendence of the fire-engines, engine houses, hooks, ladders, hose, public cisterns, and other conveniences for the extinguishment and prevention of fires, and it shall be their duty to see that the same are kept in order, and to see that the laws and ordinances relative to the prevention and extinguishment of fires are duly executed, and to make detailed and particular reports of the state of their department, and of the conduct of the firemen, hook and ladder men, tub and hose men, to the common council, at stated periods to be prescribed by the common council and to make such reports to the mayor, whenever required by him; the certificate of the city clerk that a person is or has been a fireman shall be evidence of the fact in all courts and places, on proof of the genuineness of such certificate.

Custody of fire engines, etc.

SEC. 11. The common council may, by ordinance, direct the manner in which the bells of the city shall be tolled or rung in cases of fire or alarms of fire, and may impose penalties for the ringing or tolling of such bells in such manner at any other time than during a fire or alarm of fire.

Ringling of bells in case of fire.

SEC. 12. The common council may provide suitable compensation for any injury that any fireman, hook and ladder man, or tub or hose man, may receive in his person or property in consequence of his exertions at any fire.

Compensation for injury, etc.

SEC. 13. The common council may by ordinance,

First, Prescribe the powers and duties of the engineers and wardens at fires, and in cases of alarms of fire, and may vest in them such powers as may be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires;

Engineers, etc., at fires.

Second, To prescribe the powers and duties of the mayor and aldermen at such fires and alarms of fires, but in no case shall the mayor or aldermen control or direct the chief engineer or his assistants during the fire;

Mayor and aldermen at fires.

Third, Provide for the removal and keeping away from such fires all idle, disorderly or suspicious persons, and may confer powers for that purpose on the engineers, firewardens or officers of the city;

Removal of idle, etc., persons at fires.

Fourth, Provide for compelling persons to bring their fire buckets to any place of fire and to aid in the extinguishment thereof by forming lines or ranks for the purpose of carrying

Fire buckets at fires.

water, and by all proper means to aid in the preservation, removal and security of property exposed to danger by fire;
Marshall, etc., at fires. *Fifth.* To compel the marshal, constables and watchmen of the city to be present at such fires, and to perform such duties as the said common council shall prescribe.

Buildings may be pulled down, etc. SEC. 14. Whenever any building in said city shall be on fire it shall be the duty, and be lawful, for the chief engineer and two members of the common council, or, in case of the absence of the chief engineer, then under the direction of one of the assistant engineers and two members of the common council, or, in case of the absence of the chief and assistant engineers, then under the direction of three members of the common council and the foreman of a fire company, to order and direct such building or any other building which they may deem hazardous and likely to communicate fire to other buildings, or any part of such building, to be pulled down and destroyed, and no action shall be maintained against any person or the city therefor; but any person interested in any such building so destroyed or injured may, within three months thereafter, apply to the common council to assess and pay the damages he has sustained; at the expiration of three months, if any such application shall have been made in writing the common council shall either pay to the said claimant such sum as shall be agreed upon by them and the said claimant for such damages, or if no such agreement shall be effected, the common council shall proceed to assess the amount of such damages, and provide for the collection and payment of the same.

Damages for.
In assessing damages, etc. SEC. 15. The common council, in assessing the damages incurred by any claimant by the pulling down or destruction of such building by the direction of said officers of the city, as above provided, shall take into account the probability of the same having been destroyed or injured by fire if it had not been so pulled down and destroyed, and may report that no damage should be equitably allowed to such claimant; and in case no damages are allowed, or in case any damages are allowed, a payment or tender of an order for the same by the common council shall be deemed a full satisfaction of all said damages of the said claimant.

Fire-engines, etc., for each fire company. SEC. 16. The common council shall procure fire-engines, hose, hooks and ladders, and other apparatus and implements used for the extinguishment of fires, for each fire company, pay the expenses of keeping the same in necessary repair, have charge and control of the same, provide fit and secure engine houses and other places for keeping and preserving the same, and purchase any real estate for the erection of engine houses.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Power to administer oaths. SECTION 1. The chairman of any committee or special committee of the common council shall have power to administer

any oath or take any affidavit in respect to any matter pending before the common council or such committee.

SEC. 2. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury. When guilty of perjury.

SEC. 3. If any suit shall be commenced against any person elected or appointed under this act to any office, for any act done or omitted to be done under such election or appointment or against any person for doing any thing or act by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs he shall recover double costs in the manner defined by law, and no court shall have jurisdiction of any such action while such person remains a resident of said city, except a court within such municipality, or the circuit court for the county of Marquette. In case of suits against officers. Costs. Jurisdiction of courts.

SEC. 4. The duties of standing committees shall be prescribed by general ordinance. Such committees shall have power to subpoena witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them; and to that end the common council may prescribe and regulate the necessary proceedings and confer upon the marshal or other officers of the corporation all needful powers for the purposes aforesaid. Standing committees, duties of.

SEC. 5. The common council shall hold regular sessions at such times and places as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time as may be deemed expedient; and they may hold special sessions and adjourn the same in the same manner as regular sessions, and they may provide for calling special sessions otherwise than as herein provided. Sessions of council.

SEC. 6. All suits by or against said city shall be in the corporate name thereof, and all process or other papers, in any such suits against said city, shall be served by leaving a copy thereof with the mayor, and another copy with the recorder of said city: *Provided*, That after said city shall have appeared in such suit, by attorney, all subsequent notices and papers therein shall be served on such attorneys as in other cases, and said city shall not be sued except in a court of record. Suits by or against city. Proviso.

SEC. 7. Whenever an action shall have been maintained, and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk, or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises in front of which said sidewalk shall be, or on account of any excavation in the street by any gas, hydraulic or railroad company, or by any other corporation or by any person or persons, and such owner, occupant or company or persons shall have been reasonably notified to appear and defend said action, the judg- When judgment has been recovered against city, who liable in certain cases.

Proviso.

ment, if any, obtained against said city shall be conclusive as to the amount of damages and the validity of the claim of the city against such owner, occupant or company, and the same may be recovered in an action for money paid for the use of said owner, occupant or company, or in any other proper form of action: *Provided*, That no person or corporation shall be liable, as provided in this section, to the city on account of failure to keep any sidewalk in repair, unless such person or corporation shall have received at least twenty-four hours' notice to repair or correct the defect complained of, or which occasioned the injury for which damages were recovered against the city.

Council to have same power as township boards, etc.

SEC. 8. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon township boards of the several townships of this State in reference to all matters not herein otherwise provided for; and the recorder or his deputy shall perform all the duties of township clerk or which township clerks are authorized to perform, that are necessary to be performed in said city, and not herein otherwise provided for.

Common council to prescribe manner of exercising powers conferred.

SEC. 9. In all cases in which any power is conferred by this act upon the common council of the city, or upon any officer mentioned herein, and the manner of exercising or enforcing such power is not herein pointed out, or sufficiently or accurately described, the common council may prescribe the manner of exercising and enforcing all such powers, and may pass such ordinance in relation to all such matters and things not inconsistent with the constitution of the United States and of this State, as they may deem proper.

Council to provide jail.

Marshal to have custody of city prison.

SEC. 10. The common council shall have exclusive control and charge of the city building, and shall have authority to provide yearly for maintaining a jail. The city marshal shall always be entitled to the custody of said prison, and shall be keeper thereof, and all prisoners confined therein. Said prison shall be known as the city prison, and it shall be lawful to confine therein persons arrested for crime or for offenses against the city ordinances, while their examination or trial is pending and for twenty-four hours thereafter. The keeper of said prison shall have all the powers of a keeper of a common jail, and for the purpose of confining prisoners therein, or for detaining witnesses, all the laws, rules and regulations which now or hereafter may apply to common jails of counties shall apply to said city prison; and if any person shall break or unlawfully enter or attempt to break or unlawfully enter said prison, he shall be punished in the manner prescribed in the case of county jails; and whoever shall aid any person lawfully confined therein in escaping or attempting to escape therefrom, shall be punished in the same manner as in the case of aiding any person to escape or attempt to escape from any of the county jails of this State.

Powers of keeper, etc.

When new marshal is appointed, etc.

SEC. 11. Whenever any new marshal is appointed in the place of another, or upon the expiration of any marshal's

office, and shall have qualified and given the security required by the common council, or by any of the provisions of this act, the recorder shall grant a certificate under the official seal of the city, that the person so appointed has qualified and given such security. Upon the service of such certificate upon the former marshal or other person who may have the custody of the city prison, his powers as such marshal or keeper shall cease. Within ten days after the service of such certificate upon such former marshal or keeper, he shall deliver to his successor:

Former marshal to deliver property, etc., to successor.

First, Said city prison with all its appurtenances and the property of the city therein; *Idem.*

Second, All the prisoners then confined in such prison, together with all process, orders, rules, commitments, and all other papers and documents in his custody, authorizing or relating to the confinement of such prisoners. If any former marshal shall neglect or refuse to deliver to his successor the city prison, process, documents and prisoners in his charge, as herein required, such successor may, notwithstanding, take possession of said city prison, and command the aid of the constables and police of the city in aiding him to take possession of said city prison, and of the prisoners therein confined, and may compel the delivery of such process and documents in the manner prescribed in chapter two hundred and twenty of the compiled laws of eighteen hundred and seventy-one, and amendatory thereof. *Idem.*

Proceedings in case of neglect or refusal.

SEC. 12. The mayor shall annually, on or before the first Monday of May in each year, appoint a librarian, who shall have charge of the city library, with the same power that township clerks have with township libraries. Such librarian shall take the constitutional oath of office, within ten days after his appointment, and file the same with the recorder. He shall hold his office for one year, and until his successor is appointed and qualified, but may be removed at any time at the pleasure of the mayor, who may appoint another librarian in his stead, and such librarian shall receive a compensation to be determined by the common council, not less than fifty dollars or more than one hundred dollars per annum. In case the common council neglect or fail to fix the compensation of such librarian in any year, then such librarian shall receive fifty dollars per annum to be paid out of the general fund of the city. The common council shall annually, in each year, raise two hundred and fifty dollars for the purpose of buying books for said library, in addition to the moneys received from the county treasurer or license fund for such purpose. The common council shall also have power to otherwise maintain and improve said library, and may make rules for its government, location and management, when not inconsistent with the provisions of this section. The books of said library shall always be free to all residents of the said city who have children going to school in said city or who pay school taxes in said city, under such regulations and limitations as the common council may prescribe.

Librarian, appointment, compensation, etc.

Salary funds.

Books to be free to residents of city.

Refusal to return
books, larceny.

SEC. 13. Any person drawing a book from the library of the city of Negaunee, and who refuses to return the same after the time has expired for returning it, upon demand made personally or by mail by the librarian, shall be deemed guilty of larceny and shall, upon conviction, be punished accordingly; and it shall be the duty of the librarian to cause a copy of this section, with an appropriate reference to the city charter, to be pasted on the inside of one of the covers of each book in said library.

Member of council
not to hold
other office.

SEC. 14. No member of the common council shall hold any other office under this act, the compensation of which is paid and audited by said common council, except as is otherwise provided in this act. No member of the common council shall sign any official bond required under the provisions of this act from any officer of said city, and any member of the common council who shall so sign any such official bond shall be deemed to have vacated his office; but such bond shall be valid.

School district,
how known, etc.

SEC. 15. Nothing herein contained shall be construed as interfering with the organization or boundaries of school district number one of the township of Negaunee, as now existing, except as hereinbefore provided, but said school district shall hereafter be known in law as "school district number one of the city and township of Negaunee." Said school district shall continue to maintain its school, receive its share of the public school money, levy taxes, elect district officers, and transact its business the same as if this act had not passed, except as herein expressly provided to the contrary. Whenever said district votes to raise money by such tax such tax shall be certified by the proper officers of the district to the assessor of the city of Negaunee, and to the supervisor of the township of Negaunee and also to the recorder of the city of Negaunee, and such tax shall be apportioned to said city and township and collected in the manner provided by law apportioning and collecting the taxes raised by fractional school districts.

Manner of raising
money by
tax for school
district.

This act a public
act.

Adjournment of
election.

Provido.

SEC. 16. This act shall be deemed a public act and shall be favorably construed in all courts and places whatsoever. If for any reason any place designated by this act as the place of holding the first election herein provided for, or designated by the common council for any subsequent election, cannot be used for such purpose, the electors of the ward who are assembled at such place at the hour for opening the polls may adjourn thence to any other proper place in the same ward, and may there meet and hold such election: *Provided*, That some person of suitable age shall be left at such first mentioned place, whose duty it shall be to notify all electors coming there of the place to which said polls have been adjourned.

CHAPTER XIII.

WATER-WORKS.

SECTION 1. The common council of the city of Negaunee may provide a system of water-works for said city, to protect it against fire, and to furnish the inhabitants with a supply of pure and wholesome water, and to that end, whenever said common council shall deem it necessary to issue the bonds of the city, the question of issuing said bonds, shall be submitted to the qualified electors of said city, at the annual election in April, or at some special election called for that purpose in the same manner as other special elections are called under said incorporation act, and at least ten days' notice of such submission shall be given immediately preceding said election by posting the same in three public places in each ward of said city or by publishing the same in some newspaper published in said city, specifying the amount of not exceeding fifty thousand dollars, and the object for which it is proposed to issue said bonds. A separate ballot box shall be provided for receiving ballots, and the votes shall be canvassed, declared and returned, and all things with reference thereto done in the same manner as near as may be, as in the case of city officers. At the close of such election the inspector shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk for the county of Marquette: *Provided*, That not more than two such meetings shall be called in any one year, and that the total bonded indebtedness of said city shall not at any one time exceed said sum of fifty thousand dollars.

Water-works.

When deemed necessary to issue bonds.

Ballot boxes.

Inspector to make certificates.

Provide.

SEC. 2. Whenever the common council shall be authorized by a vote of the qualified electors, as provided in the preceding section, they may issue the bonds of the city to the amount voted, and provide for the payment of the principal and interest thereon, and for this purpose shall annually levy, assess and collect a tax on the assessed value of all real and personal estate in said city, made taxable by the laws of this State, and such tax shall be levied, assessed and collected in the same manner, and upon the same tax roll as is provided for the levying and collecting of other city taxes, and shall be designated on such tax roll as the "water tax," taxes for this purpose not to exceed in amount a sufficient sum to pay the interest accrued, or to accrue on said bonds for the year for which such taxes are levied, and the principal as it shall become due. Said bonds shall be denominated "water bonds," and shall be numbered in the order of their issuance, and shall be for not less than three years, nor more than thirty years from their date, and shall be issued under the seal of the corporation, signed by the mayor and recorder and be redeemable at the pleasure of the common council, after three years from the date of such issue: *Provided*, That any bonds bearing a less rate of inter-

Bonds, payment of, etc.

Water bonds.

Provide.

est than six per centum per annum, may, in the discretion of the common council, be made payable at any time, not more than thirty years from their date, and shall not be payable at the pleasure of the common council before the expiration of such time: *And provided further*, That the common council shall have the right to purchase and cancel any of said bonds that may be offered for sale at any time when in the judgment of said common council the best interests of said city will be subserved thereby. The recorder shall keep an accurate record of all said bonds, and of the number, date, and amount of each, its rate of interest, when and where the same is payable and the person to whom it is issued. Said bonds shall not be transferable, except with the written approval of the mayor and recorder indorsed on the same.

Water fund. SEC. 3. When such bonds are voted and issued in the manner described in the preceding sections, the common council shall create a new fund to be designated "the water fund," to the credit of which shall be placed the proceeds of said bonds, together with the sums of money raised by taxation to pay the same, and the interest thereon, also all water rates collected, and such sums of money as the common council may, from time to time, order transferred from the general fund of said city to said water fund. Said bonds, as they may fall due, and accrued interest thereon, shall be paid from said water fund, and the common council may order all expenses incurred under the provisions of this act paid from said water fund. The common council may require from the city treasurer additional security for said water fund, in such sums, and with such sureties as it shall approve, and may grant and allow such compensation as it may deem expedient for services actually performed in carrying out the provisions of this act.

Water bonds to be paid from water fund.

Overseer of water-works, mains, pipes, etc. SEC. 4. The construction and repairing of the water-works of said city, or any work connected therewith, and the construction and repairing of mains and pipes shall be done under the direction of such person as the common council shall, from time to time, appoint as overseer for that purpose, and shall be approved by the common council, and all work done under the direction of such overseer shall be reported to the common council from time to time by such overseer, and no money shall be paid out of the treasury on account of work so done until the common council shall have instructed the recorder to draw his warrant therefor. It shall be the duty of the overseer to make a report to the common council on or before the first day of March in each year, which report shall embrace all the expenditures for the work done under the control of such overseer, and a statement of the condition, progress and operations of said water-works. Said overseer shall also make such other and further reports as said common council shall, from time to time, require of him.

Overseer to report annually.

Water rates. SEC. 5. Annually, in the month of June, the common council shall fix and assess the water rates to be paid for having and using water from said works, for the year next ensuing the

first day of July. Said rates shall be based, as near as may be, upon the water consumed and used by the owner or occupant of each house, building, or lot using water. Such water rates shall, from and after the first day of July, be a continual lien until paid, upon the lots, real estate and premises on which water is used and the rates assessed.

Lien upon lots, etc.

SEC. 6. The owners or occupants of lots or premises against which such water rates shall be assessed, shall pay the same at the office of the recorder, or at such other office in said city as the common council shall from time to time designate, quarterly in advance, on the first day of January, April, July and October in each year, and in case of any default in such payment the common council may collect the same by a suit at law, before any court of competent jurisdiction and shall have the right to shut off the water from such premises until the same is paid; said suit to be brought in the name of the city of Negaunee: *Provided*, That any attempt to collect said rates by any process above mentioned, shall not invalidate the lien upon said lot or premises.

Water rates to be paid quarterly.

Proviso.

SEC. 7. The common council by its agents and servants, may enter upon any public or private land or waters, either within or without said city, for the purpose of making all necessary surveys, and for maintaining reservoirs, pipes, aqueducts and other works, or of doing any other acts necessary to carry into effect the purposes of this chapter. The common council may agree with all persons interested in private property, as to the compensation to be paid for using the same for the public use in connection with said water-works. In case of failure to so agree, the common council may proceed to condemn said property in the same manner as is hereinbefore provided for in that part of chapter five relative to taking private property for streets and alleys. The common council shall also have such other and further powers and rights not herein granted, as are given to water boards by the general laws of this State, and as are not inconsistent with the powers and rights herein granted.

Council or agents may enter upon private lands to survey, etc.

Acquiring property for use of.

Condemnation of property.

SEC. 8. If any person shall willfully do or cause to be done, any act, whereby any work, materials or other property whatsoever erected or used, within or without said city of Negaunee, by said common council, or any person acting under its authority, for the purpose of procuring or keeping any supply of water, shall be injured, or shall willfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy substance whatsoever in any reservoir, pipe or aqueduct of said water-works, through which water for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed, any such [carcasses] carcass, deleterious or filthy substances into Teal lake, or into its inlets, or do or cause to be done, any other act to willfully pollute said water, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county jail of said county for a period not exceeding three

Injury to property and pollution of water.

Penalty for.

Meddling or in-
juring any ap-
paratus or
machinery.

months, or both such fine and imprisonment, in the discretion of the court before which such case may be tried.

SEC. 9. If any person shall, without the authority of the common council, or its proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log, or aqueduct, belonging to said water-works, or cause to be made any connection or communication with said pipes, aqueduct, main, or logs, or meddle with, or move the same, or any machinery, apparatus or fixture, belonging, or in anywise appertaining to said water-works, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both such fine and imprisonment, in the discretion of the court. Any person who shall willfully break or cut any inlet pipe, main, distributing pipe, log or aqueduct, used by the common council, its agents or servants for conducting said water, or shall dig into or break up any reservoir, filled or partially filled with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith, belonging to said water-works, or cause any of said acts to be done shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year, or both such fine and imprisonment, in the discretion of the court.

Penalty for.

Acts repealed.

SEC. 10. All acts or parts of acts relating to the incorporation of the city of Negaunee inconsistent with the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 27, 1891.

[No. 256.]

AN ACT to re-incorporate the village of Crystal Falls in the county of Iron.

Territory re-in-
corporated.

SECTION 1. *The People of the State of Michigan enact,* That all the following described lands situate in the county of Iron and State of Michigan, to wit: All the territory comprised within the limits of the village of Crystal Falls as heretofore incorporated under the provisions of act number one hundred and sixty-eight of the laws of Michigan of the year one thousand eight hundred and fifty-seven entitled "An act to provide for the incorporation of villages" and in addition thereto the northwest quarter of the northwest quarter of section twenty-nine and lot two of section twenty-eight, both in township forty-three north, of range thirty-two west be and the same hereby are incorporated as a village under the name of the village of Crystal Falls.

SEC. 2. Said village of Crystal Falls is hereby declared to be subject to the provisions of act number sixty-two of the laws of one thousand eight hundred and seventy-five entitled "An act granting and defining the powers and duties of incorporated villages" approved April [first] sixth, one thousand eight hundred and seventy-five as amended, and said village shall possess all the rights and powers, and be subject to all the duties and liabilities, prescribed in said last mentioned act, except as otherwise, in this act provided. Governed by general law.

SEC. 3. The present officers of said village of Crystal Falls, shall continue in office with the same powers and duties, as are conferred and imposed by this act, and said act number sixty-two upon like officers, until their successors shall be elected and qualified in accordance with the provisions of this act and the said general law. All the ordinances of said village previously ordained and now in force, shall so remain until repealed by proper authority. Present officers to continue in office, etc.

SEC. 4. The first election under this act shall be held on the second Monday in April, in the year one thousand eight hundred and ninety-one, at the town hall in the village of Crystal Falls. First election.

SEC. 5. On the Saturday next preceding the time fixed for holding said first election a board of registration consisting of Jerome B. Schwartz, William Doncet and William Russell, electors of this State and residents of said present village of Crystal Falls, shall meet at the town hall in said village at eight o'clock in the forenoon of that day, and continue in session until six o'clock in the afternoon, and they shall provide necessary registration books and register therein the [names] name of all persons having the qualifications of electors under the laws of this State, who shall present themselves for registration. Said board of registration shall have the same powers and proceed in the same manner and conform to the same rules, as near as may be, as are now provided for boards of registration in townships. Board of registration. Where to meet, etc. To provide registration books. Powers, etc., of board.

SEC. 6. Notice of the time and place of holding said first election and of the officers to be elected thereat, as well as of the time and place of meeting of said board of registration, shall be given by William Doncet and William Russell, two of the trustees of the present village of Crystal Falls, by posting such notice in three public places within the limits of said present village, and by publishing the same in a newspaper published in said village at least one week prior to the time fixed for the holding of said first election. Notice of election to be given.

SEC. 7. All acts and parts of acts, [contravening] contra- Acts repealed. causing the provisions of this act, are hereby repealed.

This act is ordered to take immediate effect.

Approved March 28, 1891.

[No. 257.]

AN ACT to amend title one; sections four and five of title two; sections fourteen and seventeen of title three; sections four, five, six, seven, eight, eleven, fifteen and seventeen of title four; sections two, seven, eight and nine of title five; sections four, five, six, seven, eight, nine, ten, twenty-two and thirty of title six; sections eight and thirteen of title ten; sections three, five, six, eight and fifteen of title eleven; title twelve; and sections ten, twenty-two, thirty, thirty-one and thirty-two of title fourteen and section twenty-eight of title sixteen of an act entitled, "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw and to consolidate the city of East Saginaw with Saginaw under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw and for the ownership of all their corporate property and rights; to define the corporate rights, powers and privileges of said city of Saginaw, as so consolidated, and to repeal all acts inconsistent herewith," being act number four hundred and fifty-five of the laws of one thousand eight hundred and eighty-nine, and being the charter of the city of Saginaw.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That title one; sections four and five of title two; sections fourteen and seventeen of title three; sections four, five, six, seven, eight, eleven, fifteen and seventeen of title four; sections two, seven, eight and nine of title five; sections four, five, six, seven, eight, nine, ten, twenty-two and thirty of title six; title eight; sections eight and thirteen of title ten; sections three, five, six, eight and fifteen of title eleven; title twelve; sections ten, twenty-two, thirty, thirty-one and thirty-two of title fourteen and section twenty-eight of title sixteen of an act entitled, "An act to annex the territory embraced within the city of East Saginaw to that of the city of Saginaw, and to consolidate the city of East Saginaw with Saginaw under the name of the city of Saginaw; to specify and fix the boundaries of the consolidated city; to provide for the assuming and payment of the indebtedness and liabilities of the present cities of East Saginaw and Saginaw and for the ownership of all their corporate property and rights. To define the corporate rights, powers and privileges of said city of Saginaw as so consolidated, and to repeal all acts inconsistent herewith," being act number four hundred and fifty-five of the laws of one thousand eight hundred and eighty-nine and being the charter of the city of Saginaw, be and the same are hereby amended so as to read as follows:

TITLE I.

INCORPORATION.

SECTION 1. *The People of the State of Michigan enact,* ^{Territory annexed.}
That as much of section seven, in town twelve north, range five east, as lays south and east of the center line of Saginaw river shall be and it is hereby annexed to the city of Saginaw as now constituted for all municipal purposes upon the terms and conditions following:

First, The territory hereby annexed, together with said ^{Name.} city as now constituted, shall be known and designated as the city of Saginaw, and as such shall have all powers, rights and privileges hereinafter enumerated. The bound- ^{Boundaries.}aries of said city shall be as follows, viz.: Commencing at the center of the Saginaw river on the east and west quarter line of section thirteen, in township twelve north, of range four east, in the county of Saginaw and State of Michigan, thence west along the quarter line of sections thirteen, fourteen and fifteen, to the west line of said section fifteen in said township, thence south on the west lines of sections fifteen, twenty-two, twenty-seven and thirty-four in said township, and along the west line of section three, in township eleven north, of range four east, in said county of Saginaw, to the center of the Tittabawassee river, thence easterly along the center of said river, to a point intersected by the east and west quarter line of section two, in said township eleven north, of range four east, thence east along said quarter line to the east line of said section, thence north along the east line of said section two to the northeast corner thereof, thence east along the north line of section one, in said township to the southwest corner of section thirty-one in township twelve north, of range five east, in said county, thence north along the west line of said section thirty-one to the northwest corner thereof, thence east on the north line of said section thirty-one to the northeast corner thereof, thence north along the east line of sections thirty, nineteen, eighteen and seven, in said last named township to the center of the Saginaw river, thence southerly along the center of the said Saginaw river to the place of beginning;

Second, All the property real and personal, rights, credits, ^{Property, etc., vested in consolidated city.} choses in action and other assets of every description now belonging to said city of Saginaw and to East Saginaw, or to any corporate board thereof, shall belong to, and the title thereof is transferred to and vested in the said city of Saginaw as so consolidated, except as hereinafter provided;

Third, All suits and proceedings now pending for or against ^{Suits may be prosecuted.} [either] said city of East Saginaw or Saginaw shall not be abated but may be prosecuted to a conclusion in the name of or against the city of Saginaw, and all prosecutions for the violation of the ordinances of either of said cities shall be in like manner carried to conclusion and sentence entered and exe-

cuted; all officers of the existing cities of East Saginaw and Saginaw shall remain in office until their successors shall be chosen, and [qualify] qualified as hereinafter provided.

May sue, etc.

SEC. 2. Said consolidated city of Saginaw may in its corporate name sue and be sued in any court of competent jurisdiction, have a common seal and alter it at pleasure, and may take, hold, purchase, lease, convey and dispose of any property, real or personal, for all the purposes of its incorporation.

Division into wards,
Location of wards.

SEC. 3. The territory comprising said city shall be divided into fifteen wards. Wards first to ninth, inclusive, are located upon the east, and wards tenth to fifteenth, inclusive, are located upon the west side of the center line of Saginaw river.

Boundaries of said wards.

The particular boundaries of [the] said wards upon the east side of the center line of said Saginaw river shall be as follows: All that part of said city east of the center line of Saginaw river, lying north of the center line of Carlisle street extended to the center line of Saginaw river, shall constitute the first ward.

First ward.

Second ward.

All that part of the city, east of the center line of Saginaw river, lying between the center lines of Carlisle and Johnson streets extended to the center line of Saginaw river shall constitute the second ward.

Third ward.

All that portion of the city, east of the center line of Saginaw river and west of the center line of Park street, lying between the center lines of Johnson and Janes streets, extended to the center line of Saginaw river, shall constitute the third ward.

Fourth ward.

All that portion of the city, east of the center line of Saginaw river, east of the center of Park street lying between the center line of Johnson and Janes streets, shall constitute the fourth ward.

Fifth ward.

All that portion of the city east of the center line of the Saginaw river, lying between the center line of Janes street, extended to the center line of Saginaw river, and the center line of Walnut street and the center line of Hoyt street, extended from the center line of Walnut street to the center line of the Saginaw river, shall constitute the fifth ward.

Sixth ward.

All that portion of the city east of the center line of Saginaw river, west of the center line of Sheridan avenue, lying south of the fifth ward, and north of the center line of Webber street and north and east of the center line of Mackinaw street, shall constitute the sixth ward.

Seventh ward.

All that portion of the city lying east of the sixth ward and south of the fifth ward shall constitute the seventh ward.

Eighth ward.

The eighth ward shall consist of so much of said territory as lies south of the sixth ward and north of a line drawn by commencing at the quarter post on the east line of section thirty-six, and running thence west on the quarter line to the center of Williamson street; thence northwesterly along the center of [Williams] Williamson street to its intersection with the center of Gallagher street to the center of Washington avenue; thence northerly along the center of Washington avenue and Mackinaw street to the center of Center street; thence westerly along the center of Center street to the west line of Inglehart street; thence north thirty-three feet to the north line of Center street; thence by a right angle to Inglehart street, westerly

to the center of Saginaw river. And all of said territory lying south of the eighth ward and east of the center line of Saginaw river shall constitute the ninth ward. The particular boundaries of the wards upon the west side of the center line of said Saginaw river shall be as follows: All that part of the city west of the center line of Saginaw river and east of the center of Barnard street lying north of the east and west quarter lines of sections twenty-three and twenty-four shall constitute the tenth ward. All that part of the city west and north of the center line of Saginaw river, lying between the tenth ward and a line commencing on the north city line at the center of Bay street; thence south along the center line of Bay street to the quarter line of section twenty-three; thence east along said quarter line to Madison street extended to the center line of Saginaw river shall constitute the eleventh ward. All that part of the city west and north of the center line of Saginaw river, lying between said eleventh ward and a line commencing at the center of section fifteen, thence south along the quarter line to the center of Court street; thence easterly along the center of Court street extended to the center of [the] Saginaw river shall constitute the twelfth ward. All that part of the city north and west of the center line of the Saginaw river, lying between the said twelfth ward and the center of Mackinaw street constitute the thirteenth ward. All that part of the city north and west of the center line of the Saginaw river lying between the said thirteenth ward and a line commencing on the west city line in the center of Gratiot street; thence east on the center of Gratiot street to the center of Bullock street to the center of Waller street thence southeasterly in the center of Waller street extended to the center of Saginaw river constitutes the fourteenth ward. All that part of the city west of the center line of the Saginaw river and lying south of the fourteenth ward shall constitute the fifteenth ward.

Ninth ward.

Boundaries of
other wards.

Tenth ward.

Eleventh ward.

Twelfth ward.

Thirteenth ward.

Fourteenth ward.

Fifteenth ward.

TITLE II.

OFFICERS—WHO ELECTED, WHO APPOINTED, QUALIFICATION, OATH, REMOVAL, VACANCY. ELECTIONS—HOW CONDUCTED, ETC.

SEC. 4. The following shall be the term of office of the several officers, who shall in all cases hold office until their successor is elected and qualified, viz.: Mayor, two years; treasurer, two years; recorder, four years; police judge, three years; justices of the peace, four years; aldermen, school inspectors and supervisors, two years; constables, one year. Whenever there shall be a vacancy in the office of supervisor, or when the incumbent shall, by sickness or from any other cause, be unable to perform the duties of such office, the common council of said city may make temporary appointment of a suitable person to fill such vacancy, and such person so appointed shall take the oath of office as required by law, and shall continue to dis-

Terms of office.

Vacancy in office
of supervisor.

Proviso.	charge such duties until the said office shall be filled by election or until the disability aforesaid be removed: <i>Provided, however,</i> That the mayor elected in the year one thousand eight hundred and ninety-one shall hold such office but one year.
Officers appointed by the council.	SEC. 5. The common council shall at the first regular meeting in the month of January, [A. D.] one thousand eight hundred and ninety-three or as soon as may be thereafter, appoint by ballot a city assessor, and his assistant, and at the first regular meeting after the annual elections under the charter, or as soon as may be thereafter, appoint, by ballot, one city attorney, one city physician, one or more health officers and their assistants, one controller and his assistant, one city clerk, one director of the poor and his assistant, one chief of the fire department, and make appointment of all members of the several boards of public works, water commissioners, cemetery commissioners, police commissioners, board of assessment and review. And thereafter as vacancies occur, fill the same by like appointment, who shall hold office as follows: City clerk, three years; city controller, three years; chief of fire department, three years; city assessor, three years; city attorney, and director and assistant director of the poor, two years; city physician and health officers, one year; the members of said several boards, for the period stated in the other titles of this charter; cemetery commissioners, for the term of two years: <i>Provided,</i> That at the first appointment one shall be appointed for the term of one year, and one for the term of two years: <i>And provided further,</i> Nothing herein contained shall be construed as shortening the term of any officer now holding office except the assessor and his assistant, and all such officers shall hold until their successors are appointed and qualified. The common council may also appoint one keeper of the work-house, alms-house or hospital, an inspector of gas, or gas meters, clerk of city markets or for city offices, inspectors of firewood, hay or provisions, pound masters, sealers of weights and measures, weigh masters harbor-masters, firewardens, scavengers and such other officers or boards of officers as are herein provided for, or which may be created by the ordinances of said city, made pursuant to the provisions of this charter; and such appointment shall be made in such manner as the said common council shall authorize and direct, and all such appointees shall hold their offices during the pleasure of the common council.
Their terms of office.	
Proviso.	
Further proviso.	
Other appointed officers.	

TITLE III.

COMMON COUNCIL, WHO SHALL CONSTITUTE, POWERS, DUTIES, PROCEEDINGS.

Regulations of taverns, etc.	SEC. 14. The common council shall have and exercise in and over said city the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others as are now, or may hereafter be conferred by the general laws of this State upon township boards or upon the cor-
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porate authorities of cities and villages. The common council shall have power to regulate and license all taverns and houses of public entertainment, all restaurants and eating-houses, in such sum or sums as the common council may direct or require. The common council may prohibit boxing or sparring for a purse, stake, trophy or reward, or when an admission is charged or paid to see such boxing or sparring.

Power to license, etc.

May prohibit boxing, etc.

SEC. 17. The aldermen shall be allowed as compensation for their services, two dollars for actual attendance at each session of the council, and the mayor shall have an annual salary of one thousand dollars, to be certified by the clerk to the controller quarterly and paid out of the general fund.

Compensation of aldermen and mayor.

TITLE IV.

OFFICERS, THEIR RIGHTS, POWERS AND DUTIES.

SEC. 4. It shall be the duty of the controller to keep the financial accounts of said corporation, to countersign all bonds, orders upon the treasury, burial permits, cemetery deeds, and all evidences of debt and transfer of property, which the common council or corporation are authorized to issue or make, pledging the faith of said city; to receive all accounts and demands against said corporation, examine them in detail, audit or allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers, except as provided in title XII of this act, with the date of their allowance, and the funds, out of which payable, and when so audited, settled, filed, dated and numbered, to report the same to the common council, and when payment shall be duly authorized by the common council, to countersign and register the orders drawn therefor by the city clerk upon the city treasurer. No claim so audited shall be binding against the city until approved by vote of the common council. The controller shall keep a record of bonds issued by said corporation, with the number, amount and dates, when issued, when payable, and all coupons attached thereto, and shall keep account, in proper books, of all such bonds, and the bonded indebtedness, for the information of the common council. He shall also, in like manner, keep accounts of all funds, taxes, assessments, receipts and expenditures, and on the last Tuesday before the last Monday in the month of March in each year, shall make out and present a full statement and balance sheet of the financial accounts of the city, with such recommendations and explanations as may be proper to add thereto. The controller shall advertise and receive proposals for all contracts for or on behalf of the city except as in this act otherwise provided. And except also that, when deemed for the best interest of the city, contracts may be let by a majority vote of all the members elect of the common council without such advertising, and the controller shall report his action thereon to the council.

Duties of controller.

No claim binding until approved by council.

Annual statement and balance sheet.

To advertise for proposals for contracts, etc.

Sign contracts,
etc.

Supervise
finances, etc.

Account with
treasurer, etc.

Attach warrants
to tax rolls.

Additional
duties and com-
pensation.

He shall sign all contracts and agreements on behalf of the city, except as in this act otherwise provided, subject to the orders of the common council, and make all purchases of materials, tools, books, stationery, apparatus and property for the city or its officers, not otherwise provided for herein, or ordered by the common council. He shall keep a record of all officers and employes of the city, and certify the pay-rolls and wages of all such officers and persons to the common council; he shall be charged with the leasing, repairs, insurance and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession, and report upon the same when required by the council. It shall also be the duty of the controller to take and exercise a general supervision of the financial concerns of the corporation; to keep complete set of books, exhibiting the condition of the said corporation in its various departments and funds, its resources and liabilities, with proper classification thereof of each fund or appropriation for any distinct object of expenditure or class of expenditures. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk nor countersigned by the controller against such fund until another appropriation shall have been made. The controller shall open an account with the treasurer, in which he shall charge said treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for licenses, rents, and all other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys and property placed or being in their possession, and shall require settlement with such officers at least once in each year, and as much oftener, not to exceed once in each month, as the interest of the city and the safety of its property may require; and he shall give said treasurer and all other officers credits for all money disbursed upon showing proper vouchers, and for all property consumed, expended and destroyed by ordinary wear and use, and not otherwise. The controller shall make out and attach warrants to all tax rolls in said city, whether for State, county, city, general or special assessments or taxes, and such warrants shall be in the usual form of law, and shall have the same virtue, force and legal effect as warrants made by the supervisors of townships, pursuant to the laws of the State. The controller shall also perform such other duties as are, or may be prescribed by this act, or by ordinances of the common council not inconsistent herewith, and shall receive for his services such annual salary as the common council shall prescribe, and he shall give a bond

with sureties in the sum of not less than five thousand dollars, for the faithful performance of the duties hereby imposed. He shall have a seat in the common council, and may speak upon all matters that come before the council relating to the duties of his office, and serve upon committees thereof, but shall have no vote in said council. The controller shall also, on or before the last Monday in April in each year, submit to the common council a statement in detail of the amounts of money which, in his opinion, it will be necessary to raise by taxation for all city purposes for such year. The assistant controller shall hold his office for two years and until his successor shall be chosen and qualified, and who, in case of disqualification, inability or absence from the city of the controller, shall perform all the duties of the controller, and in case the office of controller shall become vacant from any cause, such assistant shall act as controller until such vacancy shall be filled, and he shall perform such other duties as may be prescribed by law or any ordinance of the city, and shall have such salary as the common council shall fix.

May have seat in council.

Annual statement of amount necessary to be raised by taxation.

Assistant controller, time, duties, etc.

SEC. 5. It shall be the duty of the assessor, annually, to assess all the property in said city liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying the taxes lawfully imposed thereon, and who shall, for the purpose of making such assessment, have all the powers, and perform all the duties of supervisors of townships in this State, subject to the limitations contained in title VI. The assessor shall also prepare and make the returns required by law, relative to the registration of births and deaths of said city, and the list of persons to serve as jurors, and perform such other duties as this act imposes. The assistant assessor shall hold his office for two years and until his successor shall be chosen and qualified, who, in case of disqualification, inability or absence from the city of the assessor shall perform all the duties of the assessor, and in case the office of assessor shall become vacant, from any cause, such assistant shall act as assessor until such vacancy shall be filled and he shall perform such duties as may be prescribed by law or any ordinance of the city. The assessor and his assistant shall each have power to administer oaths and affirmations whenever necessary to the proper discharge of the duties of the office, and shall receive such compensation for their services in the performance of the duties of such office as the common council may determine, and shall be subject to removal for cause, the same as other officers appointed by the common council. The assessor shall have a seat in the common council and may speak upon all matters relating to the duties of his office, but said assessor and said assistant shall not receive for any duties imposed, or for services rendered to said city, beside their salaries, any fee or reward whatever which shall be paid out or withheld from the city treasury.

Duty of assessor.

Assistant assessor.

Power to administer oaths.

Have a seat in the council.

SEC. 6. The clerk shall keep the corporate seal, and all the papers and files belonging to said city, as a corporation, not properly by this act in the custody of some other officer

Duty of clerk.

Shall publish ordinances.	<p>thereof, and shall make a full and complete record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places where produced, of the matters therein contained. He shall publish all ordinances passed by the common council at least three times in the official paper of said city, and no ordinance shall take effect until the expiration of at least three days from the date of the first publication thereof, and a record or entry made by the clerk of said city or a copy of such record or entry, duly certified by him, shall be <i>prima facie</i> evidence of the time of such first publication. All laws, regulations, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, board or body in which it shall be necessary to refer thereto, either</p>
Ordinances may be read in evidence.	<p><i>First</i>, From a copy certified by the clerk of the city, with the seal of the city of Saginaw affixed;</p>
	<p><i>Second</i>, From the volume of ordinances printed by authority of the common council; or</p>
Attest licenses.	<p><i>Third</i>, From the volume of the official printed proceedings of the common council, signed by the clerk, with the seal of the city of Saginaw affixed. The clerk shall also attest all [licenses] license granted for any purpose whatever by the mayor or common council, and shall enter in an appropriate book, the name of every person to whom a license is granted, and the number, the date thereof, the time during which it is to be continued in force, and the sum paid for such license. No license for any purpose granted shall be valid until thus attested by the clerk. Said clerk shall also sign all orders drawn upon the city treasury for claims allowed by the common council; he shall sign all cemetery deeds and all contracts awarded by the board of public works, and countersign all bonds and other like evidence of debt. He shall also act as clerk of the recorder's court, of the board of public works, the board of health, and the board of police commissioners of said city and, when so required, of the standing committees of the common council, and perform such other duties as may be required by law of the township clerks, so far as applicable under this act or the ordinances of the city.</p>
Sign orders, deeds, etc.	<p>He may also appoint a deputy city clerk, for whose acts he shall be responsible. Such deputy shall hold his office during the pleasure of the clerk, who may perform any act or duty devolving upon the city clerk, and in case the office of city clerk shall become vacant from any cause, such deputy shall act as clerk until such vacancy shall be filled, and he shall have such salary as the common council shall fix. All</p>
May appoint deputy.	<p>votes, ordinances, resolutions and proceedings of the common council shall be published at least once by the city clerk, in the official paper of said city, within eight days after the session of the common council in which the same were had or passed.</p>
Ordinances to be published.	

SEC. 7. The treasurer shall receive all moneys belonging to the city, including school moneys, and shall receive all taxes of said city, levied by order or authority of the common council or boards of education, except as herein otherwise provided. The treasurer shall also collect all rents, interest, claims and dues to said city, arising from rentals, leases, sales of property, or claims of any other nature whatever not herein otherwise provided for; he shall hold all bonds, notes, mortgages and other evidences of debt or value belonging to said corporation; he shall deposit the moneys of the city under the direction of the common council, and the school moneys under the direction of the [boards] board of education, and shall keep an accurate account of the same, and of all receipts and expenditures thereof, and with every fund and appropriation thereof made by this act or by the authority and direction of the common council; he shall pay no money out of the treasury, except in pursuance of, or by authority of law, or in satisfaction of warrants drawn by order of the common council, signed by the city clerk and countersigned by the controller, or of coupons and bonds regularly and lawfully issued by said corporation, or in case of school moneys [on] or orders drawn by its president and secretary; he shall keep an accurate account of and report to the common council, once in two weeks, a detailed statement of all taxes collected and money received, as well as moneys disbursed, a copy of which report shall be filed with the controller and at the end of every quarter shall make a full settlement with the controller and finance committee of the common council, producing the vouchers of all transactions which vouchers shall be canceled by said controller and committee, and the result of said settlement reported to the council. Bonds and coupons shall be paid out of the particular funds constituted or raised for the purpose for which the same are issued, and warrants shall be paid only out of moneys in the funds against which the same are drawn as written upon the face thereof. Whenever any warrant is presented for payment, if there is no money in the fund upon which such warrant is drawn, the treasurer shall indorse the date of such presentation on the back of such warrant, which shall thereafter draw interest at the rate of six per cent per annum for a period not exceeding six months, unless the same shall be again presented for payment and indorsed; and the treasurer shall, compute interest as above provided, and pay the same when each warrant is redeemed, and charge the amount so paid for interest to the interest fund: *Provided*, That warrants drawn for special improvements, including warrants drawn against the sidewalk fund, shall not draw interest. The treasurer shall until the erection of the city hall, keep an office in some convenient place in said city, provided by said common council, where the books and accounts in his charge belonging to the city shall be open to the inspection of any taxpayer of said city at reasonable hours in any week-day, and where all bonds, coupons and warrants, shall be presented for payment; and the

Duties of treasurer.

To make quarterly settlements.

Payment of bonds.

Proviso as to warrants drawn for special purposes.

Treasurer
to collect State
and county taxes,
etc

Proviso as to
return of cer-
tain taxes,

May appoint
deputies.

Council may
prescribe per-
centage to be
added to tax roll.

May require
treasurer to ex-
ecute new bond.

treasurer shall not discriminate as to parties holding bonds, coupons, warrants or other lawful demands, and shall pay them only when presented at this office, unless a different place be named in such bond or other demand. The city treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes as may be from time to time levied by the common council for the improvement of streets, the construction of sidewalks, or any other purposes authorized by this act or the laws of this State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect by levy and sale all the taxes set forth upon any copy or transcript of any general or special roll, so placed in his hands the same as warrants made by supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him and mark the same paid upon the proper rolls, and shall, on Monday of each second week, deposit with the controller a detailed statement of all the collections so made and shall make due returns of all rolls and the uncollected taxes thereon, as required by the warrant of the controller, and the provisions of this act, and the laws of this State: *Provided*, That the returns of all State and county taxes shall be made direct to the county treasurer of the county of Saginaw. The city treasurer shall appoint one or more deputy treasurers, subject to the approval of the common council; such appointment shall be in writing, and shall be filed with the clerk, and submitted to the council; such deputy shall have all the power and authority of the city treasurer, so far as relates to the collection of taxes, subject to the control of the treasurer; and the treasurer shall be responsible for all the acts of his deputy, and shall pay him for his services. The treasurer shall obey all the orders and resolutions of the common council not inconsistent with the provisions of this act, and shall turn over to his successor in office all moneys, books, papers and property of every kind and descriptions due and belonging to said corporation on demand.

SEC. 8. The common council shall have power to prescribe the percentage to be added to all tax rolls not herein otherwise provided for, and direct to what fund it shall be credited, and may direct the treasurer as to the deposit and safe keeping of all books and papers of his office, and require bonds with such sureties and in such amounts as they deem proper, for the faithful performance of his duties as treasurer. The common council shall also have the power at any time during the term of office of said treasurer, when they may deem the existing bond furnished by said treasurer, or the sureties thereon insufficient, to require the said treasurer to procure additional sureties, or to execute a new or additional bond to the city, in such sum and with such sureties as they may direct; and if the said treasurer shall not execute such new or additional

bond, or procure such additional sureties as may be required upon any existing bond, within the period of ten days after service on him of a copy of the resolutions of the common council requiring the same, the council may declare such office vacant, and proceed to fill the same, as hereinbefore provided. Said treasurer shall receive for his services, such annual salary as the common council may direct, not less than two thousand dollars, nor more than three thousand five hundred dollars per annum and, in addition thereto, such percentage for the collection of taxes as the common council shall prescribe.

If treasurer neglects to execute new bond.

Salary of treasurer.

SEC. 11. The justices of the peace of said city shall file their oaths of office with the clerk of the county of Saginaw and also with the said city clerk and shall maintain offices for the transaction of business in the city hall of said city, when completed. They shall have the same jurisdiction and powers, and perform the same duties as are now exercised and performed, or may at any time hereafter be conferred by law, upon [the] justices of the peace for townships, together with jurisdiction in civil cases where either of the parties thereto reside in the county of Saginaw.

Justices of the peace, powers and duties of.

SEC. 15. The constables in the several wards shall possess the same powers and perform the same duties and obligations as constables of townships, and give like security; they shall obey the orders of the mayor, recorder and aldermen, or of any person legally exercising the criminal jurisdiction of judge or justice of the peace in said city, in enforcing the laws of the State and the ordinances of the said city, and in case of neglect or refusal so to do, they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Powers and duties of constables.

SEC. 17. The supervisors of the several wards of said city shall be members of the board of supervisors of Saginaw county and shall perform all the duties of [supervisor] supervisors of townships, except as herein otherwise provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township supervisors, and to such additional compensation as is hereinbefore provided. The assessor, controller, city attorney, recorder and members of the board of assessment and review shall be members of the board of supervisors of Saginaw county, and represent the interests of this corporation in said board, and as such supervisors shall be entitled to receive the same compensation as other supervisors for attendance upon said board.

Supervisors, powers and duties of.

To be members of the board of supervisors, etc.

TITLE V.

TAXES, FUNDS, REVENUES AND EXPENDITURES.

SEC. 2. For the purposes of defraying the ordinary expenses and liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, such sum as they may deem necessary for the several funds hereinbefore specified, not

Authority of council to raise money.

Limitations.	exceeding the following per cent on the valuation of the real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceeding the levying of such tax, for the following funds, viz.: General fund, eleven-twentieths of one per cent; highway fund, one-half of one per cent; fire department fund, one-fifth of one per cent; sinking fund, one-tenth of one per cent.
When larger tax deemed expedient.	If the common council shall deem it expedient for the purposes of the city to levy a larger tax [than] then is allowed by this section, they may, by giving ten days' notice by publishing the same in a newspaper published in said city, and posting a
Public meeting.	notice thereof in three public places in each ward in said city, call a meeting of the qualified electors of said city at some place therein, who may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as the meeting shall direct, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying or collection of other taxes mentioned in this act: <i>Provided</i> , That the manner of
Proviso as to manner of voting.	voting at such meeting shall be by ballot, and that no person shall vote at such meeting who is not an elector of said city. The mayor of said city, or, in his absence, the recorder, shall preside at such meeting; and in the absence of both the mayor and recorder, the electors present may elect one of their number to preside at such meeting. The common council may direct by ordinance, the manner of receiving, counting and certifying the ballots cast at such meeting.
Time of sessions of board of review.	SEC. 7. The said board shall continue in session from day to day, Sundays excepted, to and including the second Monday in May, from nine o'clock in the forenoon to twelve o'clock noon, at the office of the city assessor, when and where any person desiring to do so, can examine his or her assessment on said roll, and may show cause, if any, why the valuation should be changed. The board shall decide the same, and their decision shall be final, unless the person affected thereby shall, within twenty-four hours after such decision, make and file with the city clerk his appeal therefrom to the common council, in writing, and state specially the grounds of appeal.
Decision of board to be final unless appeal is taken.	SEC. 8. It shall be the duty of said board, in order to familiarize themselves fully with the methods pursued in the making of said assessment roll, and with the valuation of all the respective lots and parcels of land embraced therein, to personally examine, so far as practicable, all the property described in said roll, with the value of which they are not already acquainted, and to this end the afternoon of each day, while the board shall remain in session, shall be spent in the examination of property and the detail work of correcting and equalizing the assessments in said roll, and may appoint committees from their own numbers for the purpose of examining property described in such roll.
Board to make personal examination of property.	SEC. 9. When the board shall have completed their review of said assessment roll, in conformity with the corrections so made, they shall add thereto their certificate of the fact, and
Board to certify roll to assessor.	

the assessor shall, on the third Monday in May, submit the said assessment roll so corrected and certified, to the common council of said city, and the common council shall, at the same or an adjourned session, proceed to consider the special appeals, if any, taken from the action of the board of assessment and review, and decide the same in a summary manner, correcting any errors that they may discover in the assessment, and on or before the fourth Monday in May, fully and finally confirm said assessment roll, and thereupon cause it, with the record of their action thereon, to be returned to the city assessor, who shall thereupon proceed to ratably assess thereon, in dollars and cents, the amount of all taxes authorized to be assessed and collected in said city, to each person named or lots described upon said assessment roll, on books prepared for that purpose, to be known as the city tax roll of said city, showing in separate columns, the amount of highway, school, sewer and other city taxes assessed to each person or lots in each year; and when said roll has been completed and footed and balanced, which shall be on or before the last Monday in June, the said assessor shall deliver said assessment roll to the controller, who shall make entry of the same and of the totals of all taxes assessed thereon, on the books of his office, and the said controller shall, on or before the first Monday in July deposit said roll with the city treasurer and take his receipt therefor and charge him therewith.

Roll to be submitted to council.

Assessor to levy taxes.

Roll to be deposited with city treasurer.

TITLE VI.

OF STREETS AND PUBLIC IMPROVEMENTS.

SEC. 4. The common council shall have the power to cause common sewers, drains, vaults, arches and bridges, culverts, wells, pumps and reservoirs to be built in any part of said city; to cause the grading, raising, leveling, repairing, amending, paving or covering with stone, brick, blocks, plank or other material, any street, avenue, lane, alley, highway, public ground, sidewalk, or cross-walk of said city. But all such improvements shall be done by the board of public works as herein provided. But no such public improvement shall be made by paving in any way except upon an affirmative vote of two-thirds of all the aldermen elect, unless a majority of the property owners having property fronting on the place to be so improved shall have petitioned the common council to make such improvement, in which case a majority vote of the council shall be sufficient to order the same.

Power of council concerning sewers, etc.

Council to be petitioned to make improvement.

SEC. 5. The common council may determine that the whole or any part of the expenses, including costs of estimates, plans, surveys, assessments, and other expenses incident thereto, of any public improvement, shall be defrayed by an assessment on the lands to be benefited thereby, and they shall either before or after the completion of said public improvement, declare, by resolution, whether the whole or what portion of

May assess expense of improvement upon lands benefited.

Proviso as to
limit of assess-
ment.

Board of public
works to prepare
statement, etc.

Statement to be
certified to coun-
cil, etc.

Board of public
works to make
assessment roll.

Proviso.

Board of public
works to certify
roll.

Roll to be filed
with clerk.

the cost of such improvement shall be assessed to such lands: *Provided, however,* That the assessment which may be levied upon any block or parcel of real estate shall not exceed the benefit which it is especially deemed to have received by such improvement. When such improvement is completed or as soon thereafter as may be convenient the board of public works shall prepare a detail statement of the cost of such improvement showing the amount to be assessed upon the property benefited as provided by the resolution ordering the said improvement.

SEC. 6. The same shall be certified to the common council and when such statement shall have been approved by the common council the same shall be certified to the board of public works, who shall proceed, without unnecessary delay, to make an assessment, according to such order, of so much of the cost of said improvement as may have been ordered specially assessed, upon all property specially benefited in proportion to the benefit and advantage which each description of property is by them deemed to receive from the making of said improvement, subject to the limitation of actual benefits as provided in the preceding section, and said board of public works shall make out an assessment roll, reciting in the heading thereof the improvement and in the body of which shall be entered a description of the property assessed, the amount or amounts, in dollars and cents, assessed thereon, and the names of the supposed owners thereof, when known, together with a diagram showing the property assessed and the names of the supposed owners thereof written upon each description of property or parcel of land so specially assessed: *Provided,* In all cases where the ownership thereof is unknown to the board of public works, in lieu of the name of said owner, the words "non-resident" may be used. But no omission or misstatement of the owner's name shall invalidate the assessment thereon.

SEC. 7. The said board of public works shall certify, upon such roll, that they have made said assessment upon the property described in accordance with the order of the common council relating thereto, and that the said roll contains the just and true assessment of the costs of such improvement, stating the sum thereof, and that the several amounts assessed against each description of property has been set down to the best of the judgment of said board according to the benefit and advantage which each description of property is by them deemed to receive from the making of said improvement and that each parcel thereof is benefited specially by such improvement to the amount of the assessment thereon.

SEC. 8. As soon as said roll is completed and certified to the board of public works it shall be filed with the city clerk who shall number it, using Roman numerals, as "special assessment roll No.— for the year 18—, of the — taxing district," and also indorse the date when so filed thereon, and report the same to the common council without unnecessary delay.

SEC. 9. Upon such notice of the completion of such assess-

ment and filing of any special assessment roll the common council shall cause notice to be given to all parties interested therein, reciting the names on said roll, by publication in a newspaper published in said city, for three successive issues of said newspaper that the common council will, at such time as they shall appoint, hear objections to and appeals from said assessment.

Notice of assessment to persons interested, etc.

Time to hear objections.

SEC. 10. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment in whole or in part, or may set the same aside and direct a new assessment, or the said common council may ratify and confirm such assessment without any corrections, or with such corrections therein as they may deem proper. And the common council may confirm and approve all or any number of said rolls upon a single roll-call, unless some member of the council objects, and in case of such objection being made the several rolls so objected to shall be voted upon separately.

Council to hear proofs, etc.

May amend or set aside roll.

SEC. 22. On or before the last Monday of May in each year the common council shall ascertain and determine the amount required, over and above the collections made or anticipated to be made therefor from the special assessments levied in the respective taxing districts under the provisions of section twenty-one of this chapter, to meet and pay the street improvement bonds of said city and the annual interest thereon theretofore issued for the benefit of the separate taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall cause the amount so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all the property, real and personal thereof. Such amounts the assessor shall spread on the annual tax roll, in the street improvement bond column thereof, upon the real and personal property of the proper taxing district of the city; and such taxes, when so assessed by the assessor, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city; and for non-payment thereof the premises may be sold in the same manner as for the non-payment of other taxes levied in the said city, and when so collected shall be placed to the credit of the street improvement bond and interest fund of the proper taxing district and shall be applied to the payment of the interest on said street improvement bonds, and the principal of said bonds, as they shall fall due, or re-payment to the city of moneys advanced to pay the same, and for investment as provided for in this act, and for no other purpose.

Assessment for payment of bonds, etc.

Taxes a lien on property assessed.

Sale of premises for non-payment.

SEC. 30. The said city is hereby divided into two taxing districts to be denominated "The eastern taxing district" and "The western taxing district" the boundary between which

Taxing districts.

shall be the center line of the Saginaw river, for the assessment of taxes for the following purposes, viz.:

Sewers, etc.	<i>First,</i> The construction, maintenance and repair of sewers and drains;
Opening, etc., of streets, etc.	<i>Second,</i> The opening, extension, grading, turpiking, graveling, planking, macadamizing, paving or other improvements of streets, alleys and public spaces;
Sidewalks.	<i>Third,</i> The construction and repair of sidewalks, and the cleaning and deepening of street ditches;
Water-works. Proviso.	<i>Fourth,</i> The maintaining and extending of the water-works system, situated in each taxing district: <i>Provided, however,</i> That the expenses for all such purposes shall be paid by the taxing district in which the improvement exists or are made, and so much of the cost thereof as, under the provisions of this charter, is or may be apportioned to the property benefited, shall be assessed exclusively upon property within the taxing district wherein the improvement is made. Whenever, under the provisions of this charter, bonds may be issued to provide for the payment of such improvement, the same shall be issued in the name of the city of Saginaw and the faith and credit of the whole city shall be pledged for the prompt payment of both principal and interest to the holder. The common council shall, however, at the time of the passage of the resolution authorizing the issue of such bonds, expressly state the amount and the number of bonds separately which shall be issued to meet the cost of such improvements in the eastern district and in the western district, respectively, and when sold the proceeds of such bonds shall be paid into the appropriate separate funds of the eastern district and western district, respectively, and shall be used only in the district for which the same are raised; and each taxing district shall stand charged with and shall pay to the city of Saginaw for all improvements made within its boundaries, and the bonds issued therefor, and shall not as a taxing district be liable or pay for such improvements made in the other district or the bonds issued therefor. To meet the cost of any said special improvement hereinbefore specified and to enable the city to pay the bonds issued therefor or any other indebtedness incurred on account thereof, taxes and assessments shall be assessed, levied and collected in the manner provided in this charter, separately in said eastern district and said western district respectively, and when collected shall be paid into the separate fund thereof and be used and applied by the city in the extinguishment of the bonded or other indebtedness incurred in the making of said improvement within such district. If at the maturity of any bond issued by the city for such improvement the separate special fund of the district to which it is chargeable shall be insufficient to pay the bond, the city shall advance to the special fund the additional amount required to meet the bond in full and interest on such advance shall be charged to the special fund and credited to the city at the rate of six per cent per annum until the moneys so advanced are fully repaid and the city shall be and is
Bonds for payment of improvements.	
Amount and number of bonds to be expressly stated, etc.	
Taxes for payment of bonds to be assessed separately in each district.	
In case special fund is insufficient, etc.	

authorized, from year to year, to assess against and levy on all the taxable property within the proper taxing district, taxes to an amount sufficient to repay all such advances with [the] interest thereon.

TITLE VIII.

SUPPORT OF THE POOR.

SECTION 1. The common council shall appoint a director of the poor, and an assistant director of the poor, who shall hold their office respectively, for two years, and shall have charge of all indigent poor persons belonging to said city, and shall provide for their support and maintenance as the common council may direct. They shall possess such power and authority as are conferred upon directors of the poor and supervisors of townships by the laws of this State in relation to the care and support of the poor, and as may be provided by the ordinances of said city. In case of inability, disqualification, absence from the city or vacancy in the office of the director of the poor, the assistant shall perform the duties of director of the poor, and shall at all times perform such duties as naturally pertain to such office, and as may be prescribed by resolution of the common council or by ordinance of the city. Each of said officers shall have such compensation as the common council may fix.

Director and assistant director of the poor, term, duties, etc.

TITLE X.

SEWERS, CONSTRUCTION, MAINTENANCE, ASSESSMENT.

SEC. 8. To meet the expenses of the construction of sewers in the eastern and western taxing districts of said city, in anticipation of the collection of assessments and taxes to defray the cost thereof, the common council may, by resolution, declare the amounts necessary to be so raised for sewers in each taxing district separately, and by like resolution authorize and direct the mayor, controller and clerk of said city to borrow a sum, not exceeding forty thousand dollars in any one year, and for that purpose to issue the bonds of the city, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, and to pledge the faith and credit of the whole city for the prompt payment of the principal and interest to the holder thereof, as provided in section thirty of title VI: *Provided*, That the total amount of bonds which the common council is thus authorized to issue shall not exceed two hundred and twenty-five thousand dollars outstanding at any one time. Of the amount of bonds which may be issued in any one year, one-fifth shall be made payable [on] in one year, one-fifth in two years, one-fifth in three years, one-fifth in four years and one-fifth in five years, from the date of their issue, all to be indorsed "sewer bonds" and numbered consecutively. Said bonds shall not be sold for less than their par value and the proceeds of the

Council may authorize loan in anticipation of tax.

Provide as to limit of amount.

Bonds, when payable.

Not to be sold less than par.

To be paid at maturity.

Amount and number of bonds to be specified, etc.

Council to determine additional amounts, etc.

Assessor to spread amounts on tax roll, etc.

How applied.

May appoint marshal, etc.

same shall be paid to the city treasurer and be by him placed to the credit of the separate sewer fund of the proper taxing district. All such bonds shall be paid at maturity and the common council shall not have power to authorize the re-issue of such bonds or of bonds to take up said original bonds. The amount and number of the bonds issued for each taxing district shall be specified. The proceeds shall be paid into the separate fund of each, and the respective districts shall be separately taxed and pay for the cost of such sewers within their respective limits, and the said bonds issued therefor, and for all advances made by the city for interest or principal thereof, all in manner and form as provided in section thirty of title VI.

SEC. 13. On or before the last Monday in May in each year the common council shall ascertain and determine the amount required over and above the collections made or anticipated to be made therefor from the special assessments levied in the respective taxing districts under the provisions of sections eleven and twelve of this chapter, to meet and pay the sewer bonds of said city and the annual interest thereon theretofore issued for the benefit of the respective taxing districts of said city, and maturing in the year following the first day of July then next ensuing, and shall cause the amount so required to be raised in each taxing district respectively, to be certified to the assessor of said city, to be by him assessed upon all the property, real and personal, thereof. Such amounts the assessor shall spread on the annual tax roll, in the sewer bond and interest fund column thereof, upon the real and personal property of the proper taxing district of the city, and such taxes when so assessed by the assessor shall become a lien upon the premises assessed, the same as any other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city, and for non-payment thereof the premises may be sold in the same manner as for other taxes levied in the said city, and when so collected shall be placed to the credit of the sewer bond and interest fund of the proper taxing district, and shall be applied to the payment of the interest on said sewer bonds, and the principal of said bonds, as they shall fall due, or re-payment to the city of moneys advanced to pay the same, or for investment as provided for in this act, and for no other purpose.

TITLE XI.

POLICE DEPARTMENT.

SEC. 3. The said board of police commissioners shall have power to appoint a marshal and a captain of police, and other officers, and such number of policemen with pay, and such number of watchmen without pay, as said board shall deem expedient. In time of special emergency, or apprehended danger from riot or other cause of alarm, said board may

appoint as many patrolmen, with or without compensation, as they may deem expedient. They shall also appoint a keeper of the city prison or prisons. But no person shall be appointed to any position by said board who is not a citizen of the United States, and who has not resided in said city at least one year next preceding such appointment.

To be citizens of United States, etc.

SEC. 5. Any member of the police force appointed by said board, shall, before entering upon the duties of his office, make and file with the clerk of said board, the official oath provided for in this act. After filing said official oath the policeman so appointed shall possess all the common and statutory powers of constables, except for the service of civil process, and conveying prisoners under sentence beyond the corporate limits of the city. They shall have the power to serve any summons, subpoena, warrant, order, notice, paper or process whatever, issued or directed by any justice of the peace, judge, court or officer whatever, of the State of Michigan, in the execution of the laws of this State for the prevention of crimes and the punishment of offenders, or the police laws and regulations of the city or State, in any proceeding collateral to or connected with the execution of such general laws, police laws, ordinances and regulations in any part of this State without backing or indorsement from any other magistrate or officer of this State; they shall have the exclusive power, and it shall be their duty to serve all summons, subpoenas, warrants, commitments, orders, notices, papers, processes whatever, issued out of the recorder's court, or by the police court in all criminal cases, and in all civil cases wherein said city is a party in any proceedings, except as herein otherwise provided, and shall be detailed by the proper officer to attend, instead of the sheriff, deputy sheriff or constables, the said recorder's court and the police court, whenever said court is engaged in the trial of criminal cases, or civil cases wherein the said city is a party. For the time engaged in active service, each member so engaged shall be paid such salary as shall be recommended by the board and approved by the common council: *Provided, however,* That if the common council does not approve the sum recommended by the board, it may fix the amount of compensation at any sum deemed proper by the common council.

Oath of office, duties, etc., of policemen, etc.

Salary to be fixed by council.

Proviso.

SEC. 6. It shall be the duty of said board, and of the police force hereby constituted, at all times of the day and night, within the boundaries of the city of Saginaw, to preserve the public peace and prevent crimes, and arrest offenders; to protect rights of persons and property; to guard the public health; to preserve order; to enforce all the laws of the State, and all ordinances of the city, and all orders and resolutions of the common council of said city. The expense of pursuing, apprehending, examining, trying and committing offenders against any law of this State, in said city, including the time spent in pursuit or apprehension, and of their confinement, shall be audited and paid by the supervisors of the county of Saginaw,

Duty of board and police force, etc.

Expense in certain cases.

Nuisances, etc.

Pursuing persons accused of crime.

Rewards, fees, etc., to be paid into treasury.

Board may pay certain sums to persons.

proviso.

Who deemed disorderly persons.

in the same manner as if such expenses had been incurred in any township of said county, and the clerk of the board of supervisors shall immediately, on the allowance of any such claim in favor of any member of the police force of this city, notify the president of the board of police commissioners of the same, with the name of the officer to whom allowed, and the amount of such allowance. It shall be the duty of said board to remove nuisances existing in public streets, roads, places and highways; to report all defects in streets, sidewalks, bridges and other public places, leaks and defects in water pipes and sewers to the proper authorities; to provide a proper force at every public fire in order that thereby the firemen may be protected in the performance of their duties and property preserved for the owners thereof; to protect strangers and travelers at steamboat and ship landings, and railway stations; and generally to carry out and enforce all ordinances of the city and laws of the State. Whenever any crime shall have been committed in said city and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police commissioners may, at their discretion, authorize any person to pursue and arrest such accused or suspected person or persons, and bring them before the proper court for trial or examination.

SEC. 8. All rewards, fees, proceeds of gifts or emoluments that may be allowed by the board of police commissioners to be paid or given for or on account of any extraordinary services of any member of the police force, unless otherwise appropriated by the board, and all moneys arising from the sale of unclaimed goods or otherwise received by said board or member of said police force shall be paid into the general fund of the city. The said board may, whenever they deem it necessary for the proper and efficient police regulations in said city, direct the city treasurer to transfer to the police fund and to pay out of said police fund for the pursuit or arrest of fugitives from justice such sums, and to such persons as they shall direct, upon orders drawn by the clerk of said board and countersigned by the president thereof and the chief of police: *Provided*, The sum or sums so paid out shall not exceed the sum of three hundred dollars. Said fund shall at all times be kept full and said board shall not pay out any money for any other purpose.

SEC. 15. Any person who has no trade or occupation at which he or she actually labors and has no visible means of support or frequents houses of ill-fame, or places where gaming for money is carried on, or any person who having been convicted and imprisoned for any offense by any court in this State who has no trade or occupation at which he or she actually labors, or frequents houses of ill-fame or gaming or who shall be drunk or intoxicated or who shall make, aid, countenance or assist in making any loud noise, riot or disturbance or improper diversion, or who shall use any indecent, criminal or insulting language or who shall be guilty of any indecent, vulgar or criminal conduct, or who shall collect in bodies or crowds to

the annoyance, hinderance or disturbance of citizens or travelers. And all persons who shall carry concealed on or about their persons, any pistol, revolver, bowie knife, dirk, slung shot, billie, sand bag, false knuckles, or other dangerous weapon, or who shall lay in wait, lurk or be concealed, with intent to do injury to any person or property, or who shall threaten to beat or kill another, or injure him in his person or property, or who shall contend with hot and angry words to the disturbance of the good order and peace of said city, shall be deemed a disorderly person, and upon conviction thereof may be punished by a fine not exceeding one hundred dollars and the costs of prosecution, and in the imposition of any such fine and costs, the court may make a further sentence that in default of the payment thereof such offender be imprisoned in the city prison of said city or the county jail of Saginaw county, for any period of time not exceeding ninety days, or the court may impose both such fine and costs and imprisonment in the discretion of the court having jurisdiction thereof.

Carrying concealed weapons.

Punishment of.

TITLE XII.

BOARD OF WATER COMMISSIONERS.

SECTION 1. The common council of the city of Saginaw shall appoint four persons, electors of said city, two from the east side and two from the west side, of said city, and who shall, together with the mayor, constitute the board of water commissioners of the city of Saginaw and in the name of the city said board shall have power to make contracts and shall also have full power to make all necessary by-laws, rules, and regulations for the management of the water-works belonging to said city. Said board shall have charge of the water-works of said city and shall have power to expend such sums of money as the common council shall, from time to time, by resolution or otherwise, place at their disposal, for the maintenance and management of the water-works and the extension of water pipes, building of docks, cribs, buildings, reservoirs, and other works required for the successful operation of said water-works.

Board of water commissioners, appointment of, etc.

SEC. 2. The said commissioners first appointed, shall hold their offices respectively for the following terms: One for one year, one for two years, one for three years, and one for four years, and the common council shall thereafter annually appoint one citizen of said city, being a qualified elector as commissioner, who shall hold his office for the term of four years: *Provided*, That this section shall not be construed to prevent or disqualify any member of said board for reappointment, and in case of the death, resignation or removal from the city or from the office of any commissioner, the common council shall, at their next regular meeting thereafter, or as soon as may be, fill such vacancy.

Terms of office.

Provide.

SEC. 3. The said commissioners shall elect one of their

President. number as president of the board, who shall hold his office for one year, and in case of the death, resignation or removal of the president, the said commissioners shall fill the vacancy as in the first instance; said-commissioners may also appoint some suitable person secretary of the board, who shall hold his office during the pleasure of the board and shall determine the compensation to be paid for his services. They shall have the power to appoint superintendents, inspectors, engineers, firemen, collectors and laborers, as in their opinion may be necessary to enable them to properly perform their duties, and to fix their compensation, but said commissioners shall receive no compensation for their own services.

Board authorized to procure water supply, etc.

SEC. 4. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the city of Saginaw with a sufficient quantity of pure and wholesome water for the use and convenience of all the inhabitants of said city, to be obtained from the Saginaw river, Tittabawassee river or such other place or source of supply as may be deemed expedient, and to plan, manage and construct such water-works as to provide for an ample supply to protect said city against fire, and for other public or sanitary purposes, as the best interests of said city and its inhabitants may seem to require. Said commissioners shall, with the consent of the common council, have power to construct reservoirs, jets, and fire hydrants at such localities in said city as they may deem necessary and expedient and to keep the same in repair, and also with like consent construct fountains for public use in the streets, squares, or other public grounds in said city.

To construct reservoirs, etc.

To assess water rates, etc.

SEC. 5. Said commissioners shall, from time to time, cause to be assessed the water rate to be paid by the owners or occupants of each house or building having or using water, upon such basis as they shall deem equitable, and such water rate shall become a continuing lien until paid upon such house or other building, and upon the lot or lots on which such house or building is situated: *Provided*, When water is furnished a tenant, said board shall cause notice to be served on the owner of such lot or building, within thirty days after default on the part of the tenant to pay such water rate, or no such lien shall attach. Said commissioners shall have full power to make and enforce all necessary by-laws, rules, and regulations for the collection of the water rates, either by appointment of collector to demand the same, requiring payment at the office of the board, shutting off the water, or by a suit at law, before any court of competent jurisdiction.

Proviso.

To make by-laws.

Removal from office, etc.

SEC. 6. Any member of said board of water commissioners may at any time be removed from office, for cause, by the common council of said city in the manner provided for the removal of other officers of said city. The said commissioners shall be provided with and keep a public office in the city hall when erected in said city, where its meetings shall be held, and its books and records kept. They shall cause to be kept an accurate record of all proceedings, together with a list of

all assessments for water rates, which shall be a public record, and subject to inspection at all times by all persons interested.

SEC. 7. The board of water commissioners shall not have power to incur any indebtedness against the city exceeding the sum of three hundred dollars in amount without the consent of the common council, and the common council shall cause to be paid all bills legally incurred and audited by said board of commissioners and the vouchers therefor shall be filed with the secretary of said board and when required copies thereof shall be furnished to the controller. The said board shall, on or before the second Monday in March in each year, make and publish an annual report, which report shall embrace a full statement of the condition and operation of the works, and the receipts and expenditures of the past year, a copy of which shall be filed with the common council of said city and published in the official newspaper of said consolidated city, and such other newspaper as the common council may direct.

Powers of board limited.

Board to make annual report, etc.

SEC. 8. It shall be the duty of said commissioners, at least ten days before the time fixed by the charter or ordinances of said city for assessing city taxes, to make a report in writing to the common council of said city, what, if any, sum of money in the judgment of said board will be needed over and above the revenue of said board, to meet the payment of interest or principal of bonds issued, and other current expenses, and the common council may raise any sum not exceeding one-half of one per cent upon the assessed valuation of property in said city, as shown by the last preceding assessment roll, which it deems necessary for such purposes by tax upon the proper taxing district in the same manner as general taxes, to be designated a water tax.

Board to make annual report of necessary expenses, etc.

SEC. 9. The said commissioners shall have power from time to time, by and with the consent of the common council, to purchase such lands, erect such buildings and supply such machinery, reservoirs, pipes and fixtures as may be required for the proper maintenance, operation and extension of the water supply of said city. The said commissioners shall have full power for the purposes of this act to lay conduits, pipes, aqueducts or other necessary works, over or under any water-course or under and along any street, alley, lane, turnpike, road, railroad, or highway within or without said city, but not in such manner as to obstruct the same, or impede or prevent travel thereon, and they may, at all times, enter upon and dig up such street, alley, road, or public way, to lay pipes thereon, or construct works beneath the surface thereof, and to maintain, repair or renew the same, with like restrictions as to travel, and they shall return such street, road, or other public way, to its former condition, as near as may be, in every such case. The right of such board to use all streets, lanes, and public highways shall take precedence over those granted to any corporation by the common council of said city and over all other parties whomsoever, except in case of the public sewers of said city.

May purchase lands, etc.

Power to lay conduits, etc.

Consolidated city
vested with title,
etc., to property
of both cities.

Sinking fund.

May issue water
bonds.

Limit of.

Council to speci-
fy amount of
bonds, etc.

Par value of
bonds to be
charged against
district, etc.

Proceeds to be
paid into separ-
ate fund.

To advertise for
bids, etc.

SEC. 10. The consolidated city is hereby vested with the title to all existing water-works, machinery, pipes, buildings, and appurtenances of every kind heretofore belonging to the city of Saginaw and the city of East Saginaw, and shall assume and pay by the respective taxing districts all the indebtedness, bonded or otherwise, outstanding or incurred therefor; and to meet such bonded indebtedness the said common council shall have power to create a sinking fund by the assessment, levy and collection annually of a tax therefor not exceeding forty thousand dollars, and in case the fund so collected is not adequate to meet and pay the said bonded indebtedness as the same matures, the common council shall have power to issue the bonds of the consolidated city bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, to be styled water refunding bonds and to pledge the credit of the whole city for the prompt payment of the principal and interest to the holder as provided in section thirty, title VI, and to sell and dispose of the same at the best obtainable price and with the proceeds thereof to pay and retire all maturing bonds. To meet the cost of the maintenance and extension of the present system in excess of the revenue derived from the works, the common council shall also have power to issue and negotiate bonds to be styled water bonds, bearing interest at a rate not exceeding six per cent per annum, payable semi-annually, not exceeding fifty thousand dollars in amount in any one year, and to pledge the faith and credit of the city for the payment thereof, both principal and interest, to the holder pursuant to section thirty, title VI. The common council shall specify by resolution the amount of such bonds, or of such water refunding bonds separately which may be issued to retire the existing bonded indebtedness of said eastern taxing district or of said western taxing district, as the case may be, and also the amount of such water bonds separately as may be issued to meet the cost of the maintenance and extension of the water-works system in said respective taxing districts. The par value of the water refunding bonds issued by the consolidated city shall be charged against the district, the bonds of which they are issued to retire, and such taxing district shall be separately taxed and pay the interest and principal of such water refunding bonds all in manner and form as provided in section thirty of title VI. The proceeds of water bonds issued under the authority of this section shall be paid into the separate fund on the respective districts and such district shall be separately taxed and shall pay for the cost of the extension and maintenance of its water-works system and of the said water bonds issued therefor, all in manner and form as provided in section thirty, of title VI.

SEC. 11. Bids shall be solicited by advertisement in the official paper of the city for the performance of all work, and the furnishing of all [material] materials required by the board, the estimate cost whereof exceeds three hundred dollars. No one of said commissioners shall be interested either directly

or indirectly, in any contract entered into by them with any other person or persons; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

SEC. 12. All material procured, or partly procured, under a contract with said commissioners, shall be exempt from execution, but it shall be the duty of the commissioners to pay the money due for such material to the judgment creditor of the contractor, under whose execution such material might otherwise have been sold, upon his producing to them due proof that his execution would have so attached, and such payment shall be held a valid payment on the contract.

Material exempt from execution, etc.

SEC. 13. If any person shall willfully do or cause to be done any act whereby any work, materials or property whatsoever erected or used within the city of Saginaw or elsewhere by said commissioners, or any person acting under their authority for the purpose of procuring or keeping a supply of water shall, in any manner, be injured, or shall willfully pollute the water, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished therefor as other misdemeanors are punished.

Willful injury to property, etc.

How punished.

SEC. 14. If any person shall, without the authority of said commissioners, as delegated through them or their agents, perforate or bore, or cause to be perforated or bored, any distributing pipe or main, lateral or log belonging to the water-works of said city, or make, or cause to be made, any connection or communication whatever with the said pipes or logs, or break or in any way injure the same, every person so offending shall, for each offense, forfeit a sum not exceeding one hundred dollars and costs of prosecution, to be recovered in the police court of said city, or other court of competent jurisdiction, or may be imprisoned in the county jail of Saginaw county not more than three months, in the discretion of the court.

Punishment for perforating pipes, etc., without authority of commissioners.

TITLE XIV.

COURTS OF JUSTICE.

SEC. 10. The recorder shall be entitled to the following fees, to be audited and paid out of the general fund: For hearing and deciding any special motion, five dollars; for trial of any cause or matter, five dollars per day, for time actually employed in the trial thereof, and for attending each term when there is no business to be transacted at such term, three dollars.

Fees of recorder.

SEC. 22. At the first annual meeting of the common council of said city in each year, or within thirty days thereafter, said council shall select, upon the nomination of the mayor, from among the justices of the peace of said city, a suitable and qualified person as assistant police judge, who shall exercise the power, authority and jurisdiction herein conferred upon

Assistant police judge, appointment of, etc.

Vacancy in office
of police judge.

said police judge in case of the absence, inability or disability of the police judge to perform the duties of his office. And in case of vacancy in the office of police judge, said assistant police judge shall have power to and shall perform the duties of police judge until such vacancy shall be filled, and while he shall officiate he shall receive the salary of the police judge, and during the absence, inability or disability of the police judge the police judge shall receive no salary.

Prosecutions for
violations of
ordinances, etc.

SEC. 30. Prosecutions for violations of any of the ordinances of the common council, or the charter of said city, may be commenced before the police court of said city by complaint and warrant; and upon complaint in writing, and on oath being made before said police judge, setting forth briefly what ordinance or provision of the charter of said city has been violated, and in what manner and by whom, and warrants shall issue directed to the marshal or any policeman or constable of said city, reciting the substance of such complaint, and commanding such officer, in the name of the people of the State of Michigan, to arrest the person named in said complaint and bring him forthwith before said court to be dealt with according to law; and upon such person being so brought before such court, such proceedings shall be had as are provided for the trial of criminal cases before said court in this act.

Policemen, etc.,
may arrest with-
out warrant,
etc.

SEC. 31. Any policeman, constable or other officer of said city may arrest any person, without warrant, while in the act of violating the charter or any ordinance of said city; and the person so arrested shall be forthwith taken before the police judge as aforesaid and complaint then made against the person so arrested, and such proceedings shall thereupon be had as provided in section thirty of this title, except that no warrant need be issued for the arrest of the person so brought before said judge: *Provided*, That any person so arrested in the night time be may [be] detained in custody until such time as he can be taken before such court.

Proviso.

Sentencing of
offenders, etc.

SEC. 32. Upon conviction of any person in prosecutions commenced by complaint, it shall be the duty of the court before whom such conviction is had to sentence the offender to pay such fine or penalty as said court may determine, not exceeding the amount specified in the ordinance or provisions of the charter violated, together with the costs of prosecution, within such time as said court shall order; and in default of such payment said court shall order the offender to be imprisoned in the city jail of said city or in the county jail of Saginaw county, for such time as such court may determine, not exceeding the time fixed in and by the provisions of the charter or the ordinance, for the violation of which said offender was convicted, and said court shall issue a commitment to the officer who arrested such offender, or policeman of said city; and to the keeper of the jail in which such offender is ordered to be imprisoned, commanding that said offender be taken to said jail, and there confined for the time ordered by said court, and it is hereby made the duty of the officer to whom such commit-

Commitment of.

ment is directed to obey the same. Any person so imprisoned shall be entitled to his discharge upon payment to said court of the amount of such fine or penalty and costs, except as otherwise provided herein. Either party to a cause brought for the violation of any provision of an ordinance of said city may appeal from the sentence and judgment of such court to the circuit court of Saginaw county or may remove the same to such circuit court by *certiorari* in the same or like manner as appeals may be made from judgments of justices of the peace in civil cases, if such appeal or *certiorari* be completed within twenty-four hours after the entry of sentence or judgment, Sundays and legal holidays excluded, and not otherwise: *Provided*, That no bond need be given by the city when it appeals or removes such case by *certiorari*, and the court in imposing any fine or penalty may add thereto as a part thereof and to be paid therewith the costs of prosecution, whether the ordinance under which the prosecution is being had provides for the adding of such costs as a part of such sentence or judgment.

Appeals to the circuit court.

Provido.

TITLE XVI.

MISCELLANEOUS.

SEC. 28. The following property owned by the city of East Saginaw, viz.: Lots three, four, five, six, seven, eight, nine and ten in block sixty-eight of Hoyt's plat of East Saginaw is reserved to the city of East Saginaw, and unless sold or disposed of by said city before this act shall take effect, said property shall be held and disposed of by the consolidated city for the sole benefit of the eastern taxing district: *Provided*, however, That said common council may cede or dispose of, by deed [of] or gift, any or all of said lots to the United States for the purpose of public buildings and grounds of said United States.

Property reserved to East Saginaw.

Provido.

This act is ordered to take immediate effect.

Approved March 28, 1891.

[No. 258.]

AN ACT to authorize the township of Ontonagon, in the county of Ontonagon, to borrow money to be used in building a swing bridge and approaches thereto in said township and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township board of Ontonagon township in the county of Ontonagon is hereby authorized and empowered to borrow, on the faith and credit of said township, not to exceed the sum of twenty thousand dollars and to execute coupon bonds therefor to build an iron swing or draw bridge across the Ontonagon

Authority to borrow money and issue bonds.

river at some point in the village of Ontonagon, to be determined by the board of supervisors of Ontonagon county as provided in this act.

To fix the time of payment, rate of interest, etc.

SEC. 2. The township board of said township shall have power to and it shall be their duty to fix the time of payment of such bonds, the same not exceeding the period of twenty years from the date thereof, and the place of payment; and to fix the rate of interest to be borne by said bonds, not exceeding six per cent per annum, payable annually; and such bonds shall be signed by the supervisor of said township and countersigned by the township clerk, and shall be negotiated by the treasurer of said township; and the date of the sale thereof shall be indorsed on each of said bonds and signed by said treasurer. The money received from such bonds and all private and public contributions to aid in the building of such bridge shall be paid into the township treasury subject to, and to be paid out on the order of the supervisor, township clerk and highway commissioner or any two of them as provided in this act. The township clerk shall enter upon the book of township records a full description of such bonds, giving their date, number, amount, rate of interest, when payable, and when delivered to the treasurer to be negotiated, and shall charge the said treasurer with the amount thereof. Said bonds shall in no case be disposed of for a sum less than their par value.

Money to be paid into treasury.

Record of bonds.

To be submitted to vote of electors.

Clerk to give notice of special election.

Inspectors.

Ballots and manner of voting.

Canvass of votes.

Special commissioners.

SEC. 3. The bonds aforesaid shall not be issued nor said bridge built unless a majority of the electors of said township voting thereon, shall vote therefor at a special township meeting to be held in said township as provided in this section. It shall be the duty of the township clerk of said township to immediately give notice of a special meeting of the said electors to vote upon said question, by posting written or printed notices of such meeting in three public places in each of the voting precincts of said township at least ten days before the time fixed in said notice for such meeting, stating the time and place when and where the same will be held. The inspectors of election of said township shall be the inspectors of election at such special meeting, and the vote shall be by ballot, inscribed "For the bridge loan—Yes," or "For the bridge loan—No," and such ballots may be either written or printed or partly written or partly printed; and it shall be the duty of the township clerk and inspectors of election to provide at the polls of such election during the whole time while the same shall be open a sufficient number of said ballots both for and against such proposition, as shall be necessary to supply all the electors desiring to vote thereon. And such inspectors shall conduct said election, and canvass such votes as in other township elections and make duplicate certificates of the result of such vote, signed by them or a majority of them, one of which shall be deposited with the township clerk and the other with the clerk of Ontonagon county.

SEC. 4. The supervisor, clerk and commissioner of highways of said township, for the time being, shall be special

commissioners to have charge of the building of such bridge and the action of any two of them shall be legal and binding. It shall be their duty as soon as practicable after said township board shall have obtained permission to build said bridge from the board of supervisors of Ontonagon county as provided in this act and after the electors have voted to bond the township as above provided, to procure detailed drawings and specifications for such bridge and to deposit the same with the township clerk in his office subject to inspection and to advertise in some newspaper printed in said county for sealed proposals for the building of such bridge, and furnishing the materials therefor, and to contract therefor with the lowest responsible bidder, who shall give to said township bonds for the performance of his contract satisfactory to said special commissioners: *Provided*, Such lowest bid does not exceed the amount that may be lawfully applied to the building of such bridge.

Duty of.

Sealed proposals.

Proviso.

SEC. 5. Said special commissioners or any two of them may, and it shall be their duty, in behalf of said township, to enter into a contract for the building of said bridge and furnishing the materials therefor, and they or any two of them are hereby authorized to draw their orders upon the said treasurer to pay for such work and materials, as the same shall become due and payable according to the terms of such contract.

Contract for building.

SEC. 6. In case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by the law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon and also any installments of the principal thereof falling due in such year, and said tax may be entered in a separate column on the assessment and tax rolls of said township under the name of "special bridge tax," and the said interest shall be payable by said treasurer after the same shall become due on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due on presentation to him of the proper bonds, and if in any year there should not be a sufficient amount collected by said treasurer from the levy of such special bridge tax, for such year, to pay the installments of principal and interest due in that year, the said treasurer may supply such deficiency and pay the same from any moneys in his hands belonging to the general highway or bridge funds of said township.

Duty of supervisor, etc.

Coupons to be paid by treasurer.

SEC. 7. No steps shall be taken to carry out the provisions of this act and the township board of said township shall issue no bonds and no bridge shall be built unless the said township board shall first obtain permission from the board of supervisors of Ontonagon county in the manner provided by law by petition duly signed by said township board, and filed with the clerk of said board of supervisors, praying for leave

Permission to be obtained from supervisors.

Notice of hearing to be given.

to construct said bridge, which said petition shall set forth all those matters required by the general laws of this State to be stated in such petition. Due notice of the hearing of said petition shall be given in the manner provided by the general laws of this State in similar cases and the said board of supervisors shall, in taking any action in the premises, be guided by the general laws of this State relating to the bridging of navigable streams.

SEC. 8. When said bridge shall be completed it shall be controlled and kept in repair by the township of Ontonagon.

Ordered to take immediate effect.

Approved March 28, 1891.

[No. 259.]

AN ACT to authorize the village council of the village of Ontonagon, in the county of Ontonagon, to appropriate a part of the contingent fund of said village for the purpose of aiding the building and maintaining of an iron swing or draw-bridge across the Ontonagon river in said village.

Authority to appropriate money.

SECTION 1. *The People of the State of Michigan enact,* That the village council of the village of Ontonagon from and after the passage of this act, by a two-thirds vote of said council at any regular meeting, may appropriate from the contingent fund of said village a sum sufficient not to exceed the sum of one thousand dollars in any one year for the purpose of aiding the building and maintaining of an iron swing or draw-bridge to be built by the township of Ontonagon across the Ontonagon river in said village.

To be turned over to township treasurer.

SEC. 2. Whenever any money shall be appropriated in the manner above provided, it shall be turned over to the township treasurer of the township of Ontonagon to be paid out under the direction of the township board of Ontonagon township on the proper order of the highway commissioner and township clerk for the purposes designated in this act.

Ordered to take immediate effect.

Approved March 28, 1891.

[No. 260.]

AN ACT to detach certain territory from the townships of Billings and Buckeye, in the county of Gladwin, State of Michigan, and to organize the township of Bentley, in said county.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the territory described as follows, to wit: Townships numbers seventeen and eighteen north, of range two east, be

and the same are hereby detached from the townships of Billings and Buckeye, in Gladwin county, and that the said territory be and the same is hereby organized into a new township to be called and known as the township of Bentley. Bentley organized.

SEC. 2. The first annual meeting in said township shall be held at the store of Murray Bentley, at Rhodes' Station in said township, on the sixth day of April, one thousand eight hundred and ninety-one, and Murray Bentley, Samuel Compton and Edgar J. Post, three electors residing in the above described territory, are hereby designated a board of registration, whose duty it shall be to prepare a registration book and register therein the names of the qualified electors in said township. Said board of registration shall meet on the Saturday next preceding the day of holding said election at the store of Murray Bentley aforesaid, after giving written or printed notices thereof at least five days prior to the holding of said election by posting the same in three of the most public places in said township. Said board of registration shall have the same powers and perform the same duties as are required of township boards of registration in townships under the general laws of this State. First annual meeting. Board of registration. Powers of.

SEC. 3. That said Murray Bentley, Samuel Compton and Edgar J. Post be designated and are hereby constituted inspectors of said election, whose duty it shall be to preside at said first election, appoint a clerk of election, open and keep the polls, and shall exercise the same powers as the inspectors of any election of any township may exercise under the laws of this State. Inspectors of election.

SEC. 4. In case no election is held at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two, on notice being given as provided in this act. Election at time other than time mentioned.

Ordered to take immediate effect.

Approved March 28, 1891.

[No. 261.]

AN ACT to authorize the county of Ontonagon to borrow money to be used in the payment of outstanding county orders of said county and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That the county of Ontonagon, by its board of supervisors, at any regular, special or adjourned meeting of said board, is hereby authorized and empowered to borrow, on the faith and credit of said county, a sum of money not exceeding twenty thousand dollars for a term not exceeding twenty years from the date of issue at a rate of interest not exceeding six per cent per annum, payable annually, and to execute the coupon bonds of said county therefor, in such form as said board of super- Authority to borrow money. Bonds.

visors by a two-thirds vote of all the members elect shall determine, and to provide for the payment of the same by tax upon said county, which bonds shall in no case be disposed of at less than their par value and shall be payable at the office of the county treasurer of said county, or at such place or places as said board shall direct.

Money, how
applied.

SEC. 2. Any money borrowed under the provisions of this act shall be applied by the county treasurer of said county to the payment and retiring of the outstanding orders of said county of Ontonagon and the interest due thereon at the time such bonds shall be issued, and to no other purpose.

Duty of super-
visors.

SEC. 3. It shall be the duty of the board of supervisors of Ontonagon county to provide by tax upon all the taxable property of said county for the payment as the same shall become due of the principal and interest upon all bonds issued under the authority of this act.

Ordered to take immediate effect.

Approved March 28, 1891.

[No. 262.]

AN ACT to amend sections one, two, fifty-six, one hundred and three, one hundred and twenty-seven and one hundred and thirty, of an act entitled "An act to incorporate the city of Ann Arbor, revise the charter of said city, and repeal all conflicting acts relating thereto," being act number three hundred and thirty-one of the session laws of one thousand eight hundred and eighty-nine, approved March fifteenth, one thousand eight hundred and eighty-nine, and to add seven new sections thereto, to stand as sections one hundred and thirty *a*, one hundred and thirty *b*, one hundred and thirty *c*, one hundred and thirty *d*, one hundred and thirty *e*, one hundred and thirty *f* and one hundred and thirty *g*.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, fifty-six, one hundred and three, one hundred and twenty-seven [and] one hundred and thirty of an act entitled "An act to re-incorporate the city of Ann Arbor, revise the charter of said city, and repeal all conflicting acts relating thereto," being act number three hundred and thirty-one of the session laws of one thousand eight hundred and eighty-nine, approved March fifteen, one thousand eight hundred and eighty-nine, be and the same are hereby amended so as to read as hereinafter set forth, and that seven new sections be added thereto, to stand as sections one hundred and thirty *a*, one hundred and thirty *b*, one hundred and thirty *c*, one hundred and thirty *d*, one hundred and thirty *e*, one hundred and thirty *f*, one hundred and thirty *g*, as follows:

Territory re-in-
corporated.

SECTION 1. That so much of the township of Ann Arbor, in the county of Washtenaw, as is included in the following limits,

to wit: Beginning at the corner of sections twenty-nine, thirty, thirty-one and thirty-two, of said township, thence north along the east line of section thirty to the east quarter post of section thirty, thence west on the east and west quarter line to the east half quarter post of said section thirty, thence north, along the east half quarter line of said section thirty to the northwest corner of the east half of the northeast quarter of said section thirty, thence east along the north line of said section thirty to the northeast corner of said section thirty, thence north along the line of section twenty to the northeast corner of the southeast quarter of the southeast quarter of section nineteen, thence east on the half quarter lines of sections twenty and twenty-one of said township to the east half quarter stake of the northeast quarter of said section twenty-one, thence south on the east half quarter line of section twenty-one to the north bank of the Huron river, thence southeasterly along the east bank of the Huron river to the south line of highway crossing the Huron river on the north line of section twenty-eight, thence west along the south line of said highway to the east half quarter line of section twenty-eight, thence south along the east half quarter line to the east and west quarter line of said section twenty-eight, thence east along the east and west quarter line to the east quarter post of section twenty-eight; thence south on the east line of sections twenty-eight and thirty-three to the southeast corner of the northeast quarter of the southeast quarter of section thirty-three, thence west along the north half quarter line to the west line of State street extended south, thence north along the west line of State street to the east quarter post of section thirty-two, thence west along the east and west quarter line of section thirty-two to the east quarter post of section thirty-one, thence north along the east line of section thirty-one to the place of beginning be, and the same is hereby set off from said township and declared to be a city by the name of the city of Ann Arbor; and the freemen of said city, from time to time being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name of "the city of Ann Arbor," and by that name it shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; and they may have a common seal, which the common council may alter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

Corporate name.

SEC. 2. The city shall be divided into six wards, as follows:

The first ward shall embrace all that part of the city lying south of Huron street, east of Main street and the Ann Arbor and Lodi plank road, [and] west of State street and the Pittsfield road, or State street as continued. The second ward shall embrace all that portion of the city lying south of Huron street and the Dexter road, and west of Main street and the Ann Arbor and Lodi plank road. The third ward shall embrace all that portion of the city lying north of Huron street and the

Division into wards.
First ward.

Second ward.

Third ward.

Fourth ward. Dexter road, and west of Fourth avenue and the line of Fourth avenue as extended to the river Huron. The fourth ward shall embrace all that portion of the city lying north of Huron street and the line of Huron street as extended to the city limits, and south of the river Huron, and east of Fourth avenue extended to the river Huron. The fifth ward shall embrace all that portion of the city lying northeast of the Huron river. The sixth ward shall embrace all that portion of the city lying south of Huron street, and the line of Huron street as extended east to the city limits, and east of State street, and the Pittsfield road or State street as extended. The aforesaid divisions are made by the actual or supposed continuation of the center line of each of said division streets in the present direction thereof to the city limits.

Jurisdiction, etc., of justices.

SEC. 56. The justices of the peace in said city exercising civil jurisdiction shall be deemed justices of the peace of Washtenaw county, and shall have all the powers and jurisdiction given by the general laws of the State in relation to civil and criminal cases before justices of the peace in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Washtenaw in the same manner as appeals from justices judgments and convictions in towns are made: *Provided*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' courts, when the plaintiff or defendant, or one of the plaintiffs or defendants reside in the city of Ann Arbor, in the township of Ann Arbor, in any township next adjoining the township of Ann Arbor, or in any city or village formed from any township next adjoining the township of Ann Arbor: *Provided*, That the township of Ypsilanti shall be deemed to be a township adjoining the township of Ann Arbor within the meaning of this act.

Proviso.

Further proviso.

Fines, etc., may be sued for in name of city.

SEC. 103. All fines, forfeitures and penalties imposed for the violation of any ordinance of said city, may, at the election of the city attorney, be sued for in the name of the said corporation before any court of competent jurisdiction, in an action of [a] assumpsit for money had and received, and in declaring in such action it shall be deemed sufficient to refer to the ordinance, claimed to have been violated, by its proper title and date of its passage. Whenever any such ordinance shall impose a fine without imprisonment, or a fine or imprisonment, or both a fine and imprisonment, action may be brought for the enforcement thereof, either under this section or under section number ninety-eight. But if under this section the said city shall be deemed to have waived all imprisonment of the defendant. The form of the action, writ, time of return and manner of service thereof, the pleadings and all proceedings in the cause, including final writ of execution and discharge thereof, shall be and conform as near as may be, to the action of assumpsit now in common use for the collection of debts and enforcement of contracts between party and party.

SEC. 127. Whenever the common council shall be applied to

in writing by ten or more freeholders of said city to lay out, establish, open, widen, alter, straighten or discontinue any way, street, common, lane, alley, highway or water-course, or to build establish or vacate any bridge, said common council, if they determine the proposed improvement advisable, shall give notice of the pendency of the question of ordering such proposed improvement, to the owners, occupants or persons interested, or his, her or their agent, or representative, by personal service if they reside within said city; if they shall reside without said city, then said service shall be made by posting up notices in five or more public places in said city, which notice shall state the time and place when and where the common council will meet to consider the same, and shall designate to a common certainty the street, lane, common, alley, water-course or bridge proposed to be laid out, altered, opened, widened, established, discontinued, vacated, built or erected, which notice shall be posted at least ten days before the time of meeting. If, after hearing the persons interested, the common council shall determine to lay out, alter, widen, or discontinue any such street, lane, alley, water-course or build, erect or vacate any such bridge, or other improvement, they shall proceed to obtain a release of the right of way for such proposed street, lane, way or alley and of the damages accruing, if any, to any and all persons injuriously affected by such proposed improvement, by gift, compromise or purchase. If the common council shall be unable to agree with the persons interested, and thus acquire the right of way and release of damages, they shall so declare by resolution, whereupon the said city of Ann Arbor may by right proceed under the general laws of this State and acquire such right of way and settle such question of damages by condemnation.

Laying out streets, how done, etc.

Damages.

SEC. 130. The common council shall have power to assess and levy a tax to pay the expense of making, grading, paving, opening, widening and repairing streets, lanes and alleys, and for the construction of, and putting curb-stones, gutters and culverts therein, of grading, paving, planking, building, repairing and rebuilding sidewalks, draining low lands, making, building and constructing drains, sewers and other local improvements, upon the lots, premises, lands and tenements in said city, which in the opinion of the common council are benefited by such local improvement, or by a general tax, or part by local or special tax and part by general tax, as said common council may deem proper.

Tax for grading, etc.

SEC. 130a. Whenever the common council shall order any local or public improvement, the cost of a part or the whole thereof, it is proposed to assess and levy on the lands, premises and tenements which are benefited thereby, they shall by resolution so declare, and determine what part, or the whole thereof, shall be levied and assessed upon the owners of the lands, premises and tenements deemed to be thus benefited, and thereupon they shall by resolution fix and determine the district or portion of the city benefited and specify the

Improvements, Property benefited assessed for.

Proviso. amount to be assessed upon the owners and against the taxable real estate situate therein: *Provided*, That no such assessment for the pavement of any street or alley shall be made or collected other than by general tax, unless upon the application, in writing, for such pavement, signed by a majority of all the owners of the real estate which may be subject to assessment for such pavement.

Assessment districts.

SEC. 130b. After such determination the city clerk shall forthwith certify such resolution, so fixing the boundaries of such assessment district, with the sum of money thus to be raised by special assessment to the assessor of said city, who shall, without delay, proceed to make a special assessment roll in which he shall set down all of the lands and tenements, situated in said special assessment district, liable to taxation under the proper descriptions, and with the names of the owners or occupants thereof, also the true cash value of the same, and shall assess to the owner or occupant of each and against each parcel of land so liable to taxation, such a sum of money as shall in his opinion equal the benefit to such parcel from such public improvement.

Assessor to certify to clerk.

SEC. 130c. That immediately after such special assessment roll shall have been completed, the said assessor shall, having certified his doings thereon, deliver the same to the city clerk who shall number and entitle the same and lay the same before the common council at the next regular meeting thereof.

Review of roll.

SEC. 130d. Whenever any such special roll shall be presented to the common council, they shall at [that] such meeting, or at the next meeting, fix and set a time for the review of the same, which shall be at the council chamber at two o'clock in the afternoon, not less than fifteen days nor more than thirty days therefrom. The city clerk shall forthwith cause notice of the time so fixed to be published in one of the newspapers in said city.

Notice of time of review.

Board of review.

SEC. 130e. At the time so fixed for the review of said special roll, the common council shall meet at the council chamber as a board of review, at which time, and at all other times to which the review of any such special assessment roll may be adjourned, any person interested may appear and be heard in person, or by agent or attorney, and the common council as such board of review shall have power and authority to review such special assessment roll; to add to any tax thereon, or to reduce the same, and fully and fairly to equalize the taxes spread thereon, according to the benefits coming to each parcel of the same by such public improvement.

Clerk to report proceedings of board to council.

SEC. 130f. That after the common council, sitting as such board of review, shall have completed the review of any such special assessment roll, they shall so declare by resolution, whereupon at the next meeting of the common council the city clerk shall report the proceedings of the said board of review, to the common council, when the question shall be "shall the special assessment roll be confirmed," which shall [be determined] determine in the affirmative only, by a majority vote of

all the aldermen elect. When any such special assessment roll shall have been thus confirmed by the common council, it shall be final and conclusive, and shall from the date of such confirmation be and continue a lien upon the respective lots or parcels of land assessed and set down therein, and shall be a charge against [the] person or persons to whom assessed until paid.

Confirmation of roll.

SEC. 130g. After the confirmation of any such special assessment roll, it shall be the duty of the city clerk to certify the said assessment roll, together with the resolution of confirmation, to the city assessor who shall forthwith attach thereto his warrant directed to the city treasurer commanding him to collect from each and every of the persons assessed in said special assessment roll, the sum and amount of money assessed to and set opposite his name therein, and in case any person named in said special assessment roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and return such roll and warrant, together with his doings thereon, within sixty days from and after the date of such warrant. And within ten days after the expiration of the time above named for the collection of such taxes, the treasurer shall return a list of all such unpaid taxes to the common council, and the common council shall direct the city assessor to carry into his next assessment rolls for State, county and school purposes all such delinquent taxes so returned, with a penalty of ten cents on each dollar of the sum total of taxes assessed to each particular description of land, and which special assessment, together with the penalty, shall be carried out opposite to each such particular description of land in a column provided for that purpose, and all provisions of the law respecting the return and sale of property for the non-payment of taxes for State, county and township purposes shall apply to the return and sale of property for the next non-payment of any such special assessment: *Provided*, That at any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid, shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Treasurer to collect.

To attach warrant to roll.

Unpaid taxes.

Proviso.

This act is ordered to take immediate effect.

Approved March 28, 1891.

[No. 263.]

AN ACT to amend section fourteen of act number two hundred and eleven of the session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the village of Lowell" approved March fifteenth, eighteen hundred and sixty-one.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That section fourteen of act number two hundred and eleven of the session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the village of Lowell," approved March fifteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows, to wit:

Power of common council.

SEC. 14. The common council shall have power to make all such by-laws and ordinances as they may deem necessary for the preservation of the public peace, for the suppression of riots, for the apprehension and punishment of vagrants, drunkards and disorderly persons, to suppress all disorderly houses and houses of ill-fame, and to punish the keepers thereof, to prohibit every species of gaming, to prevent selling or giving away of spirituous or intoxicating liquors to any drunkard, minor or apprentice, to regulate the keeping of gunpowder, to prevent [the] to violation of the Sabbath, and the disturbance of any public meeting assembled for any lawful purpose; to provide against and punish immoderate riding or driving in any of the streets of said village, relative to the restraining of animals from running at large in the streets or other public places of said village, relative to billiard and other tables, ball alleys kept for hire or gain in said village, for [punishing] punishment all lewd and lascivious behaviour in the streets or other public places of said village, to prevent the incumbering of any street, sidewalk or public ground, to regulate all graveyards for the burial of the dead in said village, to compel the occupant of any lot to clean the sidewalk adjacent thereto of any [snow] show, ice, dirt or other incumbrance or obstructions thereto, to prohibit and prevent the running at large of dogs and to authorize their destruction by the marshal when running at large in violation of any ordinance of the common council; to determine and designate the route and grade of any railroad laid or to be laid in the village and no railroad shall be laid in or through said village until the route thereof shall first have been designated by said common council; to restrain and regulate the use of locomotives, engines and cars upon any railroad within the village; to compel the owners or managers of such roads to station flagmen at street crossings, and to make such other rules and regulations concerning such railroads, [locomotives,] locomotive, engines and cars as to secure the safety and welfare of the citizens.

This act is ordered to be given immediate effect.

Approved March 28, 1891.

[No. 264.]

AN ACT to revise the charter of the city of Mount Pleasant in Isabella county.

CHAPTER I.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.
That all that tract of country situated in the township of Union in the county of Isabella described as follows, viz.: The south half of the southeast quarter of section ten, the southwest quarter of the southwest quarter of section eleven, the west half of the northwest quarter and the west half of the southwest quarter of section fourteen, all of section fifteen, the southeast quarter of section sixteen, the north half of the northeast quarter of section twenty-one, the north half of the northwest quarter, and the north half of the northeast quarter of section twenty-two, being in town fourteen north, range four west, be and the same hereby is constituted and declared to be a city by the name of "the city of Mount Pleasant," and the freemen of such city, from time to time being inhabitants thereof, shall be and continue to be a body corporate and politic by the name of "the city of Mount Pleasant" and by Name. such name shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits at law or in equity; but whenever any suit or action shall be commenced against such city, the same shall be by summons, an attested copy of which shall be served upon the mayor of the city. Suits against city to be by summons, etc. And in case such summons cannot for any reason be served upon the mayor, it may be served upon the city clerk or any one of the aldermen of the city. Such summons shall in all cases be served at least thirty days previous to the return day thereof. Said city may have a common seal which the city council may alter at pleasure.

SEC. 2. The present existing division of the city into three wards shall continue, but the council may, whenever they deem it expedient, by ordinance enacted by a concurring vote of not less than two-thirds of all the aldermen in office change the boundaries of any one or all of such wards, and all changes shall be so made that wards shall be bounded by streets, alleys, avenues, public grounds, streams of water or corporation lines, and the wards as changed shall be composed of adjacent territory, and shall be as compact as may be, and such changes shall be so done as to give the several wards, as nearly as may be practicable, an equal number of inhabitants. Council may change boundaries of wards, etc. Each of the wards shall be entitled to one supervisor, one constable and two aldermen, one of which aldermen shall be elected each year, except as hereinafter provided. Ward officers.

CHAPTER II.

CITY OFFICERS.

- City officers.** SECTION 1. The officers of said city shall consist of a mayor, clerk, treasurer, three supervisors, six aldermen, two justices of the peace, three constables, one marshal, one city attorney, one street commissioner, one health officer, two cemetery trustees, and such number of firewardens, pound masters, inspectors and measurers, and police officers, as the city council may deem necessary. The mayor, clerk, treasurer, and justices of the peace, shall be elected by the electors of said city at large. The supervisors, constables and aldermen shall be elected by the electors of their respective wards, and all other officers shall be appointed by the city council.
- Elective officers.**
- Terms of office.** SEC. 2. The mayor, clerk, treasurer, supervisors and constables, shall hold their respective offices for the term of one year, and until their successors are elected and qualified. The aldermen shall, except as hereinafter provided, hold their respective offices for the term of two years, and until their successors are elected and qualified.
- Terms of justices.**
- Proviso.** SEC. 3. The justices of the peace shall hold their respective offices for the term of four years from the time of their election, and until their successors are elected and qualified: *Provided*, That at the annual spring election, in eighteen hundred and ninety-one, there shall be elected in the first ward, one alderman for the term of one year, and one alderman for the term of two years; and at the annual spring election in eighteen hundred and ninety-two there shall be elected in the second ward one alderman for the term of one year, and one alderman for the term of two years, and at such elections the term for which each alderman is elected shall be designated upon the ballots cast for him.
- Qualifications for office.** SEC. 4. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for any ward he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city, or to any board of officers thereof, or to any school district, county, or other municipal corporation of this State. All votes for or any appointments of any such defaulter shall be void.
- Official oath.** SEC. 5. Justices of the peace elected in the city shall take and file an oath of office with the [county] clerk of Isabella county, within ten days from the time of their election in the same manner as in cases of [justice] justices of the peace elected in townships of said county. All other officers elected or appointed in the city, shall, within ten days after being elected or appointed, take and subscribe the oath of office prescribed by the constitution of this State, and file the same with the city clerk.
- Official bonds.** SEC. 6. Each justice of the peace within the time limited for filing his official oath, shall file with the county clerk men-

tioned in the preceding section, the security for the performance of the duties of his office, required by law in the cases of justices of the peace elected in townships, except the said official bond or security may be executed in presence of, and be approved by the mayor. And in case any justice of the peace shall enter upon the execution of his office before having filed his official oath and bond or security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the city council, he shall be liable to the same penalties as are provided in case of justices of the peace elected in townships. And every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the city council and with such securities as shall be approved by the council for the due performance of the duties of his office, except that the bond or security of the city clerk shall be deposited with the city treasurer.

SEC. 7. The city council, or the mayor or other officers whose duty it shall be to judge of the sufficiency of the proposed [sureties] securities of any officer or person of whom a bond or security may be required by this charter or by any ordinance or direction of the city council, may inquire into the sufficiency of such sureties, and examine them under oath as to their property. Such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing, and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

City council to inquire into sufficiency of bonds, etc.

SEC. 8. The council may also at any time require any officer, whether elected or appointed, to execute and file with the city clerk new official bonds in the sum, or in such further sums and with new or such further sureties as the council may deem requisite for the interest of the city. Any failure to comply with such requirement shall subject the officer to immediate removal by the city council.

Council may require new bonds, etc.

SEC. 9. Whenever a vacancy shall occur in any elective office, except that of justice of the peace, in which case a special election shall be held to fill such vacancy, the city council may fill such vacancy by appointment, or may order a special election to fill such vacancy. And in case of vacancy in the office of supervisor, alderman, or constable, such vacancy shall be filled by resident electors from the ward in which such vacancy shall exist. Whenever any vacancy in an elective office shall occur and the same shall be filled by appointment, the person so appointed shall hold such office until the next following annual election. And whenever any vacancy shall be filled by an election the person elected shall hold such office for the unexpired term.

vacancies, how filled.

MAYOR.

Duty of mayor.

SEC. 10. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the city council, and shall, from time to time, give the city council information concerning the affairs of the city, and shall recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government. He shall countersign all warrants lawfully drawn upon the city treasurer; shall see that the laws relating to the city, and the ordinances and regulations of the city council, are enforced. He shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriff to suppress disorders, and shall have authority to command the assistance of all able-bodied citizens of the city to aid in the enforcement of the ordinances of the city council, and to suppress riot and disorderly conduct. He shall have authority at all times to examine and inspect the books, records, and papers of any agent, employé or officer of the city, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city. In the absence or disability of the mayor, or in case of vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

President pro
tem to perform
duty of mayor in
absence of
mayor.
Duty of alder-
men.

Alderman not to
hold other office.

SEC. 11. The aldermen of the city shall be members of the city council, and they shall attend the meetings thereof, and shall act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any office in the city during the term of his office as alderman except as herein provided.

CITY CLERK.

Duty of city
clerk.

SEC. 12. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files and records of the city, not by this charter or the city ordinances entrusted to some other officer. He shall be clerk of the city council; shall attend its meetings, record all of its proceedings, ordinances and resolutions, and shall sign and register all licenses granted. He shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be. He shall possess and exercise the powers of township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations.

Clerk to be
accountant of
city.

SEC. 13. The city clerk shall be the general accountant of the city, and all claims against the corporation shall be filed with him for adjustment. After examination thereof, he shall report the same with all accompanying vouchers and counter-

claims of the city, and the true balance as found by him, to the council for allowance; and when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts thereof to be credited to each fund.

Clerk to report amount of tax, etc., to treasurer.

SEC. 14. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and over all the property and assets of the city. He shall have charge of all books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund. When any fund has been exhausted, the clerk shall immediately advise the council thereof.

Clerk to have supervision of certain officers.

To have charge of books, etc., relating to accounts, contracts, etc.

Clerk to keep complete set of books, showing financial condition of city.

SEC. 15. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures and financial condition of the city; of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

Clerk to report statement of receipts and expenditures.

CITY TREASURER.

SEC. 16. The city treasurer shall, before entering upon the duties of his office, file with the city clerk his bond, conditioned for the faithful performance of his duties as treasurer, in such amount, with such sureties as the common council shall require and approve.

Bond of treasurer.

SEC. 17. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, and evidences of value belonging to the city. He shall receive all moneys belonging into and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants signed by the clerk, and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised

Duty of treasurer.

Annual state-
ment of receipts
and disburse-
ments.

or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the clerk. The city treasurer shall exhibit to the council annually on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund, which account shall be filed in the office of the clerk.

Idem.

SEC. 18. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants or evidences of debt in his custody, or keeping, for his own use or benefit, or that of any other person. Any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term, and shall also subject him to such other punishment as is provided by law for like offenses by township treasurers in this State.

Deputy.

SEC. 19. The city treasurer may appoint a deputy who shall discharge the duties of the office of treasurer, and for whose acts the treasurer shall be responsible. No person shall hold the office of city treasurer for more than two terms in succession.

CITY MARSHAL.

Duty of marshal.

SEC. 20. The city marshal shall be the chief of the police of the city. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet, and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city. Such process may be served anywhere within the State.

Idem.

SEC. 21. He shall suppress all riots, disturbances, and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State, or the ordinances of the city, and forthwith

take such person before the proper magistrate or court for examination or trial; and may arrest and imprison persons found drunk in the streets, alleys, public grounds, or other public places, until they shall become sober.

SEC. 22. The marshal shall report in writing to the council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the city and the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city clerk. To report to council.

SEC. 23. The city marshal may collect and receive the same fees for service performed by him as are allowed to constables for like services; but in no case shall such fees be charged to, or be paid by the city. Fees, etc.

CITY ATTORNEY.

SEC. 24. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city. Duty of city attorney.

STREET COMMISSIONER.

SEC. 25. It shall be the duty of the street commissioner to perform or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks, within the city, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council. Duty of street commissioner.

SEC. 26. He shall make a report to the council, in writing, once in each month, giving an exact statement of all labor performed by him, or under his supervision; and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report. And no payment for labor or services performed, or for expenses incurred by him shall be made until reported as aforesaid. To report to council.

CONSTABLES.

SEC. 27. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process Power and authority of constables.

as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

Duty of constables.

SEC. 28. The constables of the city shall obey all lawful orders of the mayor, aldermen and chief of police, and of any court of justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council. And for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

SUPERVISORS.

Duty of supervisors.

SEC. 29. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes in their respective wards, as are imposed by law upon supervisors elected in townships; and they shall have the like powers and perform the like duties in all other respects as supervisors so elected, except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several wards in the board of supervisors of the county of Isabella, and shall have all the rights, privileges, and powers of the several members of such board of supervisors.

Lists of grand and petit jurors.

SEC. 30. The supervisors of the several wards shall select and return lists of grand and petit jurors to the clerk of the county in the same manner and within the same time as the like duty is required to be performed by township officers.

JUSTICES OF THE PEACE.

Powers and jurisdiction of justices of the peace.

SEC. 31. Justices of the peace shall have and exercise in the city and within the county of Isabella the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings and shall perform the same duties in all respects so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for violations of this act, and for encroachments upon, and injuries to, any of the streets, alleys and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try and determine all suits and

prosecutions, for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed.

SEC. 32. The proceedings in all suits and actions before said justices and in the exercise of the powers and duties conferred upon and required of them shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace and to the proceedings before such officers. Of proceedings before justices.

SEC. 33. Every justice of the peace shall enter in the docket kept by him, the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings, and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines penalties and forfeitures, moneys and costs, received by him on account of any such suit or proceeding. Such docket shall be submitted by the justices at all times to the examination of any person desiring to examine the same and shall be produced by the justice to the council whenever required. Docket entries.

SEC. 34. All fines, penalties and forfeitures, collected or received by any justice of the peace for or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures and moneys collected or received by such justice for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk. Fines, etc., to be paid to city treasurer.

SEC. 35. Every such justice may be required by the council to report to the council at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report. To make monthly reports to council.

SEC. 36. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws, and in punishing the offenders, shall be paid by the county of Isabella. Disposition of fines, etc.

CHAPTER III.

COMPENSATION OF OFFICERS.

SECTION 1. The mayor and aldermen shall have no salary or compensation for their services. The justices of the peace shall have the same fees and compensation for services as is allowed Salaries of officers.

by the laws of the State to justices of the peace in the several townships therein for like or similar services. The marshal and constable shall have the same fees for serving process and performing other services as allowed by the laws of this State to constables in the several townships for like or similar services: *Provided*, That the council may allow the marshal an additional monthly salary not exceeding fifty dollars. The supervisors shall have the same compensation for their services as is allowed by law to the supervisors in the several townships of the State for like or similar services. The city clerk shall have such annual salary or compensation for his services, as the council shall provide, not exceeding three hundred dollars. The city attorney shall have such annual salary or compensation for his services, as the council may provide, not exceeding two hundred dollars. The city treasurer shall be entitled to the same fees for collecting the taxes assessed in the city, as is allowed by law to treasurers in the several townships in the State for like purposes. All other officers of the city shall be entitled to such compensation as the city council may provide, not exceeding one dollar and fifty cents per day for every day actually employed in the performance of the duties of their respective offices: *Provided*, That the city council may increase the compensation of any officer whenever authorized so to do by a majority vote of the qualified electors of the city voting at any city election, whenever ten days' notice has been given, by publication in the newspapers published in the city, of the proposed increase of salaries.

Proviso as to
marshal.

Clerk.

City attorney.

City treasurer.

Other officers.

Proviso.

CHAPTER IV.

REGISTRATION AND ELECTIONS.

SECTION 1. The inhabitants of the city of Mount Pleasant, having the qualifications of electors under the constitution of the State of Michigan, to vote at general elections and no others, shall be electors therein. Every elector shall vote in the ward where he shall have resided during the ten days next preceding the day of election; the residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards, or takes his regular meals.

Qualifications of
electors.

Boards of registra-
tion, powers
of, etc.

SEC. 2. The supervisor and aldermen of each ward shall constitute the boards of registrations for the several wards of the city. Such boards shall severally have the same powers and perform the same duties and in like manner as near as may be as township boards of registration in the State. They shall meet on Saturday preceding any election for the purpose of registering the voters of their respective wards. The general laws of this State respecting the registration of voters shall be deemed and taken as part of this [charter] chapter so far as consistent therewith.

Annual election.

SEC. 3. The annual city election shall be held on the first Monday in April in each year, at such place in each of the wards of the city, as the city council shall designate.

SEC. 4. Special elections may be appointed by resolution of the city council, and held in and for the city and for any ward thereof, at such times and place or places as the city council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election. Special elections.

SEC. 5. Whenever a special election is to be held, the city council shall cause to be delivered to the inspectors of elections in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections. Notice of special elections.

SEC. 6. Notice of the time and place or places of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least eight days before such election, by posting such notices in three public places in each ward where the election is to be held, and by publishing a copy thereof in a newspaper published in the city, at least in one issue of said newspaper next preceding such election, and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election. Notice of any election to be given, etc.

SEC. 7. The city council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by general law, to be kept and used in township elections. Ballot boxes.

SEC. 8. On the day of elections the polls shall be opened in each ward at the several places designated by the city council at seven o'clock in the morning, and shall be kept open, except one hour at noon of such day, until five o'clock in the afternoon, at which last mentioned hour they shall be closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls. Opening and closing of polls.

SEC. 9. The supervisor and aldermen of each ward shall constitute the board of inspectors of election: *Provided*, That in case of any vacancy in the office of supervisor or [alderman] aldermen of any ward or wards, the city council shall determine who shall act as inspector or inspectors of election in place of such supervisor or alderman: *And further provided*, If at any election any of the inspectors above provided for, shall not be present, or remain in attendance, the electors present may choose, *viva voce*, such number of such electors as with the inspector or inspectors present shall constitute a board of three in number; and such electors, so chosen, shall be inspectors of that election. Board of inspectors of election. Proviso.

SEC. 10. The supervisor, when present, shall be chairman of the board; but in case of his absence, the inspectors shall choose one of their number to act as such chairman, and the others shall be clerks of election or, when necessary, the board may appoint two other persons to be clerks of election, and Further proviso.

Chairman of board, etc.

the person or persons so appointed and each person chosen or appointed as inspector of election, shall take the constitutional oath of office, which oath either of the inspectors may administer.

To be inspectors of State, etc., elections.

SEC. 11. The inspectors of election, as specified in preceding sections, shall be inspectors of State, county, and district elections in their respective wards.

Elections, how conducted, etc.

SEC. 12. All elections shall be conducted, as nearly as may be, in the manner provided by law for holding township elections in the State, except as herein otherwise provided, and the inspectors of such elections shall have the same power and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of votes as are conferred by law upon inspectors of township elections held in this State.

Ballots.

SEC. 13. The electors shall vote by ballot, and the same ballot shall contain the names of persons designated as officers for the city and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon, shall be separate, and shall be deposited in a separate box.

Vacancies, ballots to designate term, etc.

SEC. 14. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full year's term of the office, the term for which any person is voted to fill, shall be designated on the ballot.

Duty of inspectors.

SEC. 15. It shall be the duty of the inspectors on receiving the vote of any person, to cause the same, without being opened or inspected, to be deposited in the proper ballot box provided for that purpose. The board shall also write, or cause to be written, the name of each elector voting at such election, in two poll lists, to be kept by such inspectors of election or under their direction, and such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors.

Poll lists, etc.

Canvass of votes, etc.

SEC. 16. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them, and declare the result; and shall on the same day, or on the following day, make a statement in writing setting forth, in words at full length, the whole number of votes given for each officer, the name of the person for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of the votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election or on the following day, together with said poll lists, and the register of electors and the boxes containing said ballots, in the office of the city clerk.

Manner of canvassing, etc.

SEC. 17. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the annual election held in townships of this State, and the inspectors shall in all other respects, except as herein otherwise provided,

conform as nearly as may be, to the duties required of inspectors of election at such annual elections.

SEC. 18. The council shall convene on the Thursday next following each election, at their usual place of meeting and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates, under the seal of the city, of such determination showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificate he shall file in the office of the county clerk of Isabella county, and the other shall be kept on file in the office of the city clerk.

Council to determine result, etc.

SEC. 19. The person receiving the greatest number of votes for any office in the city or ward, shall be deemed to have been duly elected to said office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the city council shall, at the meeting mentioned in the preceding section, determine, by lot, between such persons, which shall be considered elected to such office.

Who deemed elected.

In case of a tie.

SEC. 20. It shall be the duty of the city clerk within three days after the meeting and determination of the council as provided in section eighteen, to notify each person elected, in writing, of his election, and shall also, within three days after the council shall appoint any person to any office, in like manner notify such person of said appointment.

Clerk to notify persons of election, etc.

CHAPTER V.

CITY COUNCIL.

SECTION 1. The mayor and aldermen elected from each ward shall constitute the city council. The mayor shall be president of the city council, but shall have no vote therein except in case of a tie, when he shall have the casting vote. At the second meeting of the city council following each annual election, the council shall appoint one of its members president *pro tempore* of the council, who, in the absence of the mayor, shall preside at the meetings thereof, and shall exercise the powers and duties of the mayor during such meeting. He shall have a vote upon all questions before the council. In the absence of the mayor and president *pro tem* the council shall appoint one of its members to preside, and for the time being he shall exercise the powers and perform the duties of the president *pro tem*. And in the absence of the city clerk, the council shall appoint one of their number to perform the duties of his office for the time being.

City council.
President.

President pro tem.

SEC. 2. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe; not less than

Council to judge of the qualifications, etc., of its own members.

Meetings.	two of which shall be held in each month. The mayor or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman, or left at his place of residence, at least twelve hours before the meeting.
All meetings of council to be public.	SEC. 3. All meetings and sessions of the council shall be in public, except when public interest shall, in the opinion of the council, require a secret meeting. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street or alley be vacated, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect, nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by motion or resolution of the council, nor shall any such motion or resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.
Quorum.	
Two-thirds vote required in certain cases.	
Council to prescribe its own rules, etc.	SEC. 4. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays when called for by any alderman, and so entered upon the journal as to show the names of those voting in the affirmative, and those voting in the negative.
May compel attendance of members, etc.	SEC. 5. The council may compel the attendance of its members and other officers of the city at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.
Control of finances, etc.	SEC. 6. The council shall have control of the finances, and of all the property, real and personal, of the city, except as may be otherwise provided by law.
To enact ordinances, etc.	SEC. 7. Whenever, by this act or any other provisions of law, any [power] person or authority is vested in, or duty imposed upon the city or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.
Committees, etc.	SEC. 8. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.
Records, etc., to be kept in office of clerk, etc.	SEC. 9. The council shall cause all the records of the city, and all the proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of

any officer of the city, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept, as to be convenient of access and inspection; and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all reasonable times, except such parts thereof, as, in the opinion of the council, it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such records, books, documents, or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any such record, book, document or paper thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

SEC. 10. No member of the council, or any officers of the city, shall be interested, directly or indirectly, in the profits of any contract, job, work, or services, other than official services, to be performed for the city. Any member of the council or officer of the city herein specified, offending against the provisions of this section, shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

No member of council, etc., to be interested in contracts, etc.

SEC. 11. Any person appointed to office by the council by authority of this act, may be removed therefrom by a vote of [the] a majority of the aldermen elect, and the council may expel any alderman or remove from office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same; and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Removals, etc.

SEC. 12. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor, or any justice of the peace of the city, is empowered, at the request of the council, to issue subpoenas or process by warrant, to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

May issue subpoenas, etc.

SEC. 13. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigations of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

May administer oaths, etc.

Council to audit
accounts, etc.

SEC. 14. The council shall audit and allow all accounts chargeable against the city; but no account or claims or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of the person rendering it to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are indorsed or referred to in such account or claim, or the certificate of a city official who has knowledge thereof. And every such account shall exhibit in detail all the items making up the amount claimed, and the [time] true date of each. It shall be a sufficient defense, in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or that the claim was presented without the certificate aforesaid and rejected for that reason or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

CHAPTER VI.

GENERAL POWERS OF THE CITY COUNCIL.

General powers
of the council.

SECTION 1. The city council shall, in addition to other powers conferred by this act, have power and authority to pass such ordinances as it may deem proper for the following purposes, viz.:

Vice and im-
morality, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbances, indecent or disorderly conduct or assemblages, and to punish for the same, to prevent and quell riots, to preserve peace and good order, and to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrants, etc.

Second, To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes;

To prevent an-
noyances, etc.

Third, To prevent annoyance or injury from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and punish those occasioning the same, or neglecting or refusing to abate, discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances;

Disorderly
houses, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Billiard tables,
etc.

Fifth, To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables and ball alleys, and to punish the keepers thereof;

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming; Gaming, etc.

Seventh, To regulate, prohibit and suppress, all beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof, and [to] require all places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe; Beer and porter houses, etc.

Eighth, To prohibit the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or Indian, and to punish any person so doing; Liquors.

Ninth, To license, regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received, lectures on historic, literary or scientific subjects excepted; Sports, exhibitions, etc.

Tenth, To prevent and punish violations of the Sabbath day and the disturbance of any religious meeting, congregation or society or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day; Violations of the Sabbath day, etc.

Eleventh, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets, alleys, and public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings or offers by the buyer or seller after the manner of auction sales or dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; Licenses of auctioneers, auctions, etc.

Twelfth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling; and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments, or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device, in the streets, highways, or in or upon public buildings and grounds; Hawkers, peddlers, etc.

Thirteenth, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating-houses; Taverns, etc.

Fourteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire, in the city; Vehicles, etc.

Fifteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour and other provisions; Inspection of meats, etc.

Sixteenth, To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay, and any articles of merchandise; Inspection of weighing, measuring, etc.

Weights and
measures, etc.

Seventeenth, To provide for the inspection and sealing of weights and measures and to enforce the keeping and use of proper weights and measures;

Vaults, cisterns,
etc.

Eighteenth, To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Obscene pictures,
etc.

Nineteenth, To prohibit and prevent in the streets, or elsewhere in the city, the exercise and display of stallions, or the indecent exposure of the person; the show, sale or exhibition for sale, of indecent, or [obscure] obscene pictures, drawing, engravings, paintings and books, or pamphlets, and all indecent or obscene exhibitions and shows of every kind or nature whatsoever;

Bathing.

Twentieth, To regulate or prohibit bathing in the river, streams of water and ponds in the city;

Purity of waters,
etc.

Twenty-first, To provide for cleaning the river, pond and streams in the city, and the races connected therewith, of all drift-wood and noxious matter, to prohibit the depositing therein of any filth or other matter tending to render the water thereof impure or offensive;

Nuisances, etc.

Twenty-second, To compel the owners or occupants of buildings, stores, shops, barns, stables or other places, to cleanse the same, and remove from or abate any nuisance therein whenever the council shall deem it necessary for the health or convenience of the inhabitants;

Gunpowder, etc.

Twenty-third, To regulate the keeping, selling and using of gunpowder, fire-crackers and fire-works, and other combustible materials and exhibition of fire-works and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets or other open spaces in the city;

Explosive sub-
stances, etc.

Twenty-fourth, To regulate the storing of dynamite, nitro-glycerine and other highly explosive substances within the city, and if the council deem it unsafe to allow the same to be stored within the city they may prohibit the storing of the same within the city limits;

Cellars, drains,
etc.

Twenty-fifth, To regulate the construction of cellars, barns, private drains, sinks and privies; to compel the owners or occupants to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the city and to assess the expense thereof on the lot or premises having such cellar, barn, privy, private drain or sink thereon;

Lighting streets,
etc.

Twenty-sixth, To provide for lighting the streets, public grounds and buildings in the city: *Provided*, That no contract with any person, persons or corporation for such lighting shall be made for a longer period than three years from the time of making such contract;

Use of sidewalks,
etc.

Twenty-seventh, To regulate and control the use of the sidewalks and cross-walks in the city;

Twenty-eighth, To prohibit and suppress mock-auctions, and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof;

Twenty-ninth, To prohibit, and suppress lotteries for the drawing or disposing of money, or any other property whatever and to punish all persons maintaining, directing or managing the same; Lotteries.

Thirtieth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad, also draymen, truckmen, porters, runners, drivers of cabs, hacks, coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amount and rate of their compensation; Soliciting passengers, etc.

Thirty-first, To provide for taking a census of the inhabitants of the city, and to direct and regulate the same; Census.

Thirty-second, The city council shall have authority to enact all ordinances and to make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive right, privileges or permits shall be granted by the council to any person or persons, or to any corporation for any purpose whatever. Authority to enact ordinances, etc.

SEC. 2. The city council may prescribe the terms and conditions upon which licenses may be granted, and may exact such sum for any license as it may be deemed proper. The person or persons receiving the license shall, before the issuing thereof, execute a bond to the city in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for the faithful observance of the charter of the city, and the ordinances thereof, and otherwise conditioned as the city council may prescribe. Every license shall be revocable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. Council to prescribe terms, etc. of licenses, etc.

SEC. 3. No license shall be granted for any term beyond the first Monday in June next thereafter, nor shall any license be transferable, and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the city council. Terms of licenses.

SEC. 4. All sums received for licenses granted for any purpose by the city or under its authority, shall be paid into the city treasury to the credit of the general fund. License money to be paid into city treasury.

SEC. 5. The city council shall have authority to permit any railroad to lay its track, and operate its road with steam locomotives, in or across the public streets, highways or alleys of the city, as the council may deem expedient, upon such terms and conditions and subject to such regulations, to be observed by the company as the city council may prescribe, and to pro- Power of council as to railroads.

hibit the laying of such tracks, or the operating of such road except upon such terms and conditions.

Street crossings,
etc.

SEC. 6. The city council shall have power to provide for and change the location and grade of street crossings of any railroad track, and to compel any railroad company to raise or lower their railroad track to [conform] confer to street grades which may be established by the city council from time to time, and to construct street crossings in such manner and with such protection to persons crossing thereat, as the city council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city, but such speed shall not be required to be less than four miles per hour, and to impose a fine of not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor, violating any ordinance regulating the speed of railway trains.

Railway companies to keep
open and repair
ditches, drains,
etc.

SEC. 7. The city council shall have power to require and compel any railway company, and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts along and under, or across their tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the city council shall direct, and so that the natural drainage of adjacent property shall not be impeded or prevented. If any such railroad company shall neglect to perform any such requirement, according to the directions of the city council, the council may cause the work to be done at the expense of such railway company, and the amount of such expense may be collected at the suit of the city against the railway company, in a civil action, before any court having jurisdiction of the cause.

Partition fences,
etc.

SEC. 8. The city council is authorized to enact all such ordinances and by-laws as it may deem proper, relative to the building, maintaining and repairing of partition fences, by the owners and occupants of adjoining lots, inclosures and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively, and may provide for the recording of such assignments and divisions when made, and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences, and the city council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

CHAPTER VII.

ORDINANCES.

SECTION 1. The style of all city ordinances shall be "The city of Mount Pleasant ordains," and all ordinances shall require for their passage the concurrence of a majority of all the aldermen elected in the city. The time when any ordinance shall take effect shall be prescribed therein, and when any ordinance imposes a penalty it shall not take effect until after fifteen days from the date of its passage.

Style of ordinances.

SEC. 2. All ordinances when regularly enacted shall be immediately recorded by the clerk of the council, in a book to be called "The record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Ordinances to be recorded.

SEC. 3. Within one week after the passage of any ordinance, the same shall be published in some newspaper printed and circulated within the city, and the clerk shall immediately after publication, enter on the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper, and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Ordinances to be published.

SEC. 4. When, by the provisions of this act, the council has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding one hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding three months, or both, in the discretion of the court, together with the costs of prosecution for each violation of any of said ordinances; and may provide that the offender, on failing to pay any such fine, penalty or forfeiture, and the costs of prosecution, may be imprisoned for any term not exceeding three months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison, or in the county jail of the county of Isabella, and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprisonment for the violation of any ordinance shall be prescribed therein.

Authority to impose fines, penalties, etc.

SEC. 5. In all courts having authority to hear, try or determine any matter [or] of cause arising under the ordinances of the city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings:

Judicial notice, etc.

First, From a record thereof kept by the city clerk;

Second, From a copy thereof, or of such record thereof certified by the city clerk under the seal of the city;

Third, From any volume of ordinances purporting to have been written or printed by authority of the council.

Revised ordinances to be re-enacted.

SEC. 6. No ordinance shall be revived unless the whole, or so much as is intended to be revived shall be re-enacted. When any section of an ordinance is amended, the whole section as amended shall be re-enacted.

CHAPTER VIII.

ENFORCEMENT OF ORDINANCES.

Prosecutions to be begun within one year.

SECTION 1. Prosecutions for violations of the ordinances of the city shall be commenced within one year after the commission of the offense, and shall be brought before the city justices.

Penalties may be recovered by suit.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender, upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit, and if it be a forfeiture of property, it may be sued for and recovered in an action of trover, or other appropriate action, and whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance the same shall be sued for in one of the actions aforesaid.

City prison.

SEC. 3. The city council may provide a place in the city for the temporary confinement of persons under arrest and awaiting trial, or examination for the offense for which such arrest was made.

Actions, how brought, etc.

SEC. 4. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return and service thereof, the pleadings and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall cost be allowed to the defendant in any such action.

May be by warrant.

SEC. 5. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Warrant to be in name of people, etc.

SEC. 6. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the

offense complained of, and be substantially of the form, and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided by this act, be governed by and conform as nearly as may be to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

SEC. 7. If the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order. Punishment.

SEC. 8. Every such judgment shall be executed by virtue of an execution or warrant specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without cost, execution of the form prescribed in section nine of this chapter shall issue forthwith. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and cost imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly in the former case until the expiration of the sentence, unless the fine and cost be sooner paid, and in the latter for the term named in the sentence. Judgment, how executed.

SEC. 9. The city shall be allowed the use of the jail of the county of Isabella for the confinement of all persons liable to imprisonment under the ordinances thereof or under any of the provisions of this act. And any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail, or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail or other place of confinement or imprisonment shall receive and safely keep any person committed thereto as aforesaid until lawfully discharged. City to use county jail, etc.

SEC. 10. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State by said officers or any other officer authorized by law to serve process issued by justices of the peace. Process to be directed to city marshal.

Not necessary to
recite ordinance
in complaint or
warrant, etc.

SEC. 11. It shall not be necessary in any suit, proceeding or prosecution for the violation of [any] an ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence, and provisions of the ordinances of the city, and the resolutions of the council and of the authority of the city to enact the same.

Trial by jury,
etc.

SEC. 12. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other [provision] provisions is made, shall consist of six persons; and in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in [the] result of the suit.

Appeals to cir-
cuit court.

SEC. 13. Any party convicted of a violation of any ordinance of the city in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Isabella by appeal or writ of *certiorari*; and the proceedings therefor and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party brought to recover any penalty or forfeiture for such violations, either party may appeal from judgment, or remove the proceedings, by *certiorari*, into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes, tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court shall also take judicial notice of the ordinances of the city, and the resolutions of the council, and of the provisions thereof.

Fines, to who
paid, etc.

SEC. 14. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If

the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same and take the treasurer's receipt for and file the same with the city clerk.

To be paid into city treasury, etc.

SEC. 15. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Neglect to pay over fines, etc., a misdemeanor.

SEC. 16. Fines paid into the city treasury for violations of ordinances of the city shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, except such part as shall be paid by costs collected, shall be defrayed by the city.

Disposition of fines, etc.

SEC. 17. In all prosecutions for violations of the ordinances of the city commenced by any person other than an officer of the city, the court may require the prosecution to file security for the payment of the costs of the proceedings in case the defendant is acquitted.

Security for costs, etc.

CHAPTER IX.

REAL ESTATE.

SECTION 1. The city may acquire, purchase and erect all such public buildings as may be required for the use of the city, and may also purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, public buildings and other purposes necessary or convenient for the public good, and the city council may make all such ordinances and police regulations as may be necessary for the care, protection and management thereof.

City may acquire buildings, real estate, etc.

SEC. 2. The city council shall have power to lay out, establish and enlarge public grounds and parks, and to improve, ornament and light the same, and regulate the care and management, thereof, and to protect the same from obstructions, encroachments, injury and from all nuisances.

Public grounds, parks, etc.

CHAPTER X.

STREETS AND PUBLIC GROUNDS.

Control of high-
ways, bridges,
etc.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city and shall cause the same to be kept in repair and free from nuisance.

City not responsi-
ble for improve-
ments in certain
cases.

SEC. 2. But the city shall not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by proprietors of any lands, which has not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Authority to lay
out, etc., streets
etc.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement, and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments, upon the property adjacent to, or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general street fund.

Special assess-
ments.

Proceedings to
vacate streets,
etc.

SEC. 4. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall, by resolution, so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto. Notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk, in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Surveys, bound-
aries, etc.

SEC. 5. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of city clerk in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be

recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of records, and the record shall be *prima facie* evidence of all the matters therein set forth.

SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds, to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley, or public ground or of any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records, in the office of the city clerk.

Grades of streets,
etc.

SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such streets, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Expense of re-
paving in certain
cases to be paid
by city.

SEC. 8. If any damage shall result to any owner by a change of the established grade of any street, alley or sidewalk, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same, but the city shall incur no liability by reason of anything in this section contained.

In case of dam-
age, etc., by
change of grade.

CHAPTER XI.

WATER-WORKS.

SECTION 1. The city council may enact such ordinances as may be necessary for the maintenance, preservation, protection, control and management of the city water-works, and all fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto.

Water-works.

SEC. 2. The city council may, by ordinance, establish a scale of rents, to be called water rents, to be charged for the use of water for any and all purposes by the inhabitants of the city. The council may also provide when and to whom such water rents shall be paid, and what steps shall be taken to enforce payment thereof, and may provide that in case of non-payment

Water rents, etc.

of such rents, that the supply of water may be shut off or stopped as to any persons or corporation neglecting or refusing to make such payment.

Public hydrants,
watering places,
etc.

SEC. 3. The council may fix the rate to be charged for public hydrants and watering places, which rates shall not exceed one hundred dollars per year for each public hydrant and watering place. Such sum shall be a charge upon the city at large, and may be paid by transferring from the general funds of said city to the water fund a sufficient amount to satisfy the same.

Water fund.

SEC. 4. All money received by the city for the use of water, shall be kept separate and apart from the other city funds, and the same shall constitute, and be known as the "water fund." A separate account shall be kept of the same, showing the receipts and expenditures, and such fund shall be used for the purpose of extending and maintaining the city water-works only.

Right to use of
streets in extend-
ing water-works.

SEC. 5. For the purpose of maintaining and extending such water-works, the city shall have the right to use the ground or soil under any street, highway, road or alley within the city, on condition that it shall cause such street, highway, road or alley to be restored to its usual state, and any damage done thereto to be repaired. Such right shall be continuous for the purpose of repairing and relaying water pipes, upon like conditions.

May take private
property, etc.

SEC. 6. If it shall be necessary, in the judgment of the city council, to appropriate private property for the maintenance or extension of the water-works of the city, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided by the general laws of the State for the taking of private property for public use; or such proceedings may be conducted under the provisions of this charter.

CHAPTER XII.

POUNDS.

Pounds, pound-
master, etc.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound masters, prescribe their powers and duties and fix their compensation, and may authorize the impounding of all beasts, geese and other fowls found in the streets, or otherwise at large contrary to any ordinance of the city, and if there shall be no pound or pound master they may provide for the impounding of all such beasts, geese and other fowls by the city marshal in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound master.

Fees, etc.

SEC. 2. The council may also prescribe the fees for impounding, and the amount, or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the beasts, geese or fowls impounded; may authorize the sale of such beasts,

geese and fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing beasts or things impounded.

CHAPTER XIII.

CEMETERIES.

SECTION 1. The city may acquire, hold and own such cemetery or public burial place or places as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants. And may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

May acquire cemeteries, etc.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection and care thereof.

Tax for purchase, improvement, etc., of cemetery.

SEC. 3. The city council shall appoint two trustees, who shall be freeholders and electors in the city and who, with the city clerk, shall constitute a "board of cemetery trustees." The two trustees so appointed shall hold their offices for the term of two years, except that at the first appointment, one shall be appointed for one year, and annually thereafter one trustee shall be appointed. The power and duties of such board shall be regulated by the city council.

Cemetery trustees.

Term of.

CHAPTER XIV.

FIRE DEPARTMENT.

SECTION 1. The city council shall have power to enact such ordinances and establish and enforce such regulations as it shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for such purpose to establish and maintain a fire department, to organize and maintain fire companies; to employ and appoint firemen, to make and establish rules and regulations for the government of such department, the employés, firemen and officers thereof, and for the care and management of the engine, hose, hose carts, hook and ladder trucks, apparatus, property and buildings pertaining to the department, and prescribe the powers and duties of all employés, firemen and officers thereof.

Fire department, etc.

SEC. 2. The city council may purchase or erect all necessary and suitable buildings for keeping the engine, hose, hose carts, hook and ladder trucks, teams and other fire apparatus of the fire department, and may also provide all necessary engines, hose, hose carts, hook and ladder trucks, teams and

Engine houses, etc.

other necessary apparatus and means for the extinguishment of fires, and may construct all necessary wells, cisterns and reservoirs in the streets, public grounds and other suitable places in the city.

Assistance at
fires, etc.

SEC. 3. The engineer of the fire department and the offices thereof appointed by the city council may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey [any] and such lawful requirement, or other lawful order and direction of any officer authorized by this act to command such assistance, the officer giving the order may arrest, or any officer of the city may arrest such person and confine him temporarily until the fire shall be extinguished and in addition thereto such person shall be punished in such manner as may be prescribed by the ordinances of the city.

Fire wardens,
etc.

SEC. 4. The city council shall prescribe the duty of fire wardens and may provide for the examination by them from time to time, of the stoves, furnaces and heating apparatus, and devices in all dwellings, buildings and structures within the city, and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Fire limits.

SEC. 5. The city council may prescribe by ordinance from time to time, limits or districts, within the city, within which wooden buildings and structures shall not be erected, placed or enlarged; and to direct the manner of constructing all buildings within such districts, with respect to protection against fires and the material of which the outer walls and roofs shall be constructed.

Idem.

SEC. 6. The city council may prohibit within such places or districts mentioned in the preceding section, as it shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood or other easily inflammable material in open places when in the opinion of the city council the danger from fire is thereby increased. The council may regulate the storing of gunpowder and other explosive and combustible material and substances, and the use of lights in buildings, and generally may pass and enforce all such ordinances and regulations as it may deem necessary for the prevention and suppression of fires.

Certain structures a nuisance,
etc.

SEC. 7. Every building or structure which may be erected, placed, enlarged or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by direction of the city council.

CHAPTER XV.

SIDEWALKS.

Council to have
control of side-
walks, etc.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may

prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and cross-walks in the public streets and alleys, and charge the expense of sidewalks upon the lots and premises adjacent to and abutting upon such walks.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, material and manner of construction, and within such time as the council shall, by ordinance or resolution prescribe.

Owners to build repair, etc., side walks.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances.

Owners, etc., to keep walks clear from snow, ice, etc.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

In case of neglect or failure of owner to build, etc.

SEC. 6. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

Signs, awnings, etc.

CHAPTER XVI.

PAVING AND IMPROVEMENTS.

SECTION 1. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes, and alleys of the city; and for that purpose, and for defraying the expenses thereof, may divide the city into street districts. The term "paving" shall be deemed to include the construction of cross-walks, gutters and curbing.

Paving, etc., of streets, etc.

How such im-
provements to be
paid for, etc.

SEC. 2. Such part of the expenses of improving any street, lane, or alley, by grading, paving, planking, graveling, curbing, or otherwise, and of repairing the same, as the council shall determine, may be paid from the general street fund, or from the street district fund of the proper street district, or in part from each; or the whole, or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or lands so improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the council may be benefited by the improvement.

When to be paid
from general
fund, etc.

SEC. 3. When expenses for any such improvement or repair, shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings and city property, and to any interior squares or spaces formed by the [intersection] intersections of streets were they taxable, shall be paid from the general street fund, or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot, an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

Obstruction of
streets, etc.

SEC. 4. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon the public highways, streets and alleys of the city, and to remove the same; and to punish those who shall obstruct, incumber, encroach, or maintain any encroachments, upon or in any such highway, street or alley; and to require all such persons to remove every such [obstruction] obstructions, incumbrance and encroachment.

SEC. 5. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places and regulate the setting of lamps and lamp posts, electric light poles, wires and lamps therein, and protect the same.

Shade trees,
street lighting,
etc.

SEC. 6. The council may regulate the making of all openings in, and removals of the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times, and upon such terms and regulations as they may prescribe.

Openings in
streets, etc.

SEC. 7. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire, to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements and banners, awnings, posts, and telegraph poles in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges, to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls, in the streets, or elsewhere in the city, and to impose penalties upon owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets; and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

Use of streets,
stands for
vehicles, etc.

CHAPTER XVII.

SEWERS, DRAINS AND WATER-COURSES.

SECTION 1. The council of the city may establish, construct, and maintain sewers and drains whenever and wherever necessary and of such dimensions and materials, and under such regu-

Council may con-
struct sewers,
drains, etc.

the public sewers, such reasonable sum not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises and may be collected by special assessment thereon, or otherwise.

Expense of
ditches, etc., to
be paid by
special assess-
ments.

SEC. 15. Such part of the expenses of providing ditches, and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Repairs, etc., to
be paid for from
general sewer
fund.

SEC. 16. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Council to enact
ordinances for
protection, etc.,
of sewers.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

CHAPTER XVIII.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Certain improve-
ments to be paid
from general
fund.

SECTION 1. The cost and expense of the following improvements including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, market houses and spaces, cemeteries and parks, watch-houses, city prisons and workhouses, lands appropriated for streets and rights of ways, shall be paid from the proper general funds of the city. When by the provisions of this act the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment upon the lands abutting upon and adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

By special assess-
ment.

Board of assess-
sors, etc.

SEC. 2. There shall be a board of assessors in every city consisting of the supervisors of the city. Their compensation shall be prescribed by the council. Special assessments authorized by this act, shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment, who, for the purposes of that assessment, shall be a member of the board.

When improve-
ments are to be
made by special
assessment, etc.

SEC. 3. When the council shall determine to make any public improvement or repairs, and to defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution stating the improvement and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the city, or from street

district funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

SEC. 4. Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the council shall cause estimates of the expenses thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof, and of the proposed improvement or work, and of the district to be assessed, by publication, for two weeks at least, in one of the newspapers of the city and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor, no such improvements or work shall be ordered except by the concurrence of two-thirds of the aldermen elect.

Estimates of expense to be made, etc.

Notice to be given by publication, etc.

SEC. 5. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed fifteen per cent of the value of such lot or land as valued and assessed for State and county taxation in the last preceding ward tax roll; any cost exceeding that per cent which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city.

What costs, expenses, etc., shall include,

Limit of amount of special assessment, etc.

SEC. 6. Special assessments to defray the estimated cost of any improvement, shall be levied before making the improvement.

Special assessments to be levied before making improvement.

SEC. 7. When any special assessment is to be made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the board of assessors, and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises, or locality constituting the district to be assessed.

Board of assessors to make assessments, etc.

SEC. 8. Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of lands to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act applicable to the assessment; and when such assessment is completed, they shall report the same to the council.

Assessors to make and report roll to council.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot an assessment for

Assessments to be in proportion to benefits.

a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Expenses incurred in respect to single lot, etc., to be paid by said lot, etc.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district on account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

Council to determine what amount, etc., shall be charged, etc.

SEC. 11. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient, they shall require all of the several amounts so reported and determined and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment.

Assessor to make special assessment roll, etc.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council.

Special assessments to be filed with clerk, etc.

SEC. 13. When any special assessment shall be reported by the board of assessors to the council as in this chapter directed, the same shall be filed in the office of the city clerk, and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks, at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment, may file his objections thereto in writing with the city clerk.

Review of assessments, etc.

SEC. 14. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet, and there or at some adjourned meeting, review the assessment, and the council shall correct the same, if necessary, and confirm it as reported, or as corrected; or they may refer the assessment back to the board for revision; or annul it and direct a new assessment, in which case the same proceedings shall be had as

in respect to the previous assessment. When a special assessment shall be confirmed the city clerk shall indorse a certificate thereof upon the roll, showing the date of confirmation.

SEC. 15. When any special assessment shall be confirmed by the council, it shall be final and conclusive; but no such assessment shall be confirmed except by the concurrence of two-thirds of the aldermen elect.

Confirmation of assessment final and conclusive.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons to whom assessed until paid.

To be a lien upon lots, etc.

SEC. 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the council shall determine, with annual interest at a rate not exceeding seven per cent.

Division into installments, etc.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Special assessments, when due and payable.

SEC. 19. If any special assessment shall be divided into installments a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

Roll to be made for each installment.

SEC. 20. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment when confirmed, shall be conclusive upon all parties, and all assessments thereafter made upon such lots or land shall be according to such division.

In case of division of lots before installments are paid, etc.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* rate assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

In case of insufficiency or excess.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment, and for the collection

In case special assessment shall be deemed invalid, etc.

thereof, shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

Not to impair or
invalidate lien,
etc.

SEC. 23. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as, by a regular mode of proceeding, might have been lawfully assessed thereon.

Clerk to report
special assess-
ments to super-
visor, etc.

SEC. 24. Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said ward tax roll shall be collected and enforced with the other taxes in the ward tax roll and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected, shall be paid into the city treasury.

Supervisor to
levy special tax,
etc.

Special assess-
ments may be
collected from
special roll, etc.

SEC. 25. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessments to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person; and that he pay the money so collected into the city treasury, and return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant.

Duty of treasurer
upon receiving
roll and warrant,
etc.

SEC. 26. Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy

upon any personal property found within the city or elsewhere within the county belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and five per cent upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

SEC. 27. The city treasurer shall pay the moneys, less the percentage collected by him, into the city treasury. He shall also make return of said assessment roll and warrant to the city clerk, according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Treasurer to return roll and warrant to clerk, etc.

SEC. 28. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such a time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties, and make the like returns, as above provided. In case any assessment shall be finally returned by the city collector unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward, in the manner provided in section twenty-four of this chapter, and shall then be re-assessed with interest included at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the next ward tax roll, and be collected and paid in all respects as provided in section twenty-four aforesaid.

Renewal of warrant, etc.

SEC. 29. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll, and a certified order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Special assessments may be collected by suit, etc.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Informality not to invalidate tax, etc.

CHAPTER XIX.

APPROPRIATION OF PRIVATE PROPERTY.

Private property
may be taken for
public use, etc.

SECTION 1. Private property may be appropriated for public use in the city for the purpose of opening, widening, altering and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; for the improvement of water-courses; for sewers, drains and ditches; for water-works and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders residing in the city; nor shall any improvement requiring the taking of private property be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Proceedings for
taking private
property, etc.

SEC. 2. When the council shall deem it necessary to make any public improvement requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the proposed improvement, and each parcel of land designed to be taken by metes and bounds, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made at a time therein to be stated, for the impaneling of a jury, to ascertain the necessity of using said land, the just compensation to be made therefor.

Certified copy of
resolution to be
filed with justice.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application.

Copy of resolution
to be served
on owner.

And a copy of said notice and resolution shall be served personally by the city marshal, or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county; and if any such guardian, owner, or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the sheriff or city marshal of the service or posting of copies of said notice and resolution, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and

resolution, shall be filed with the said justice, before or at the time of making said application. And after the publication and service or posting of said notice, as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement shall take notice of and be bound by all the subsequent proceedings, without further notice, except as herein otherwise provided.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal, or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city competent to serve as jurors. From said list the city attorney shall strike off six names or upon their failure to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal, or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

List of jurors.

Justice to cause jury to be summoned.

Liability of jurors for non-attendance.

SEC. 5. At the time of making the application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

As to representation of infant or incompetent person.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city until a panel of twelve qualified jurors shall be obtained. Each party, and every person having an interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and, if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

When new jury may be summoned.

Right to challenge jurors.

Jury to be furnished with resolution, plans, etc.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands. And any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Jury to examine premises sought to be acquired.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties.

Justice to instruct jury, etc.

Jury to consider each parcel separately, etc.

SEC. 9. The jury shall consider each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land as owners, mortgagees, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Jury to report in writing to justice.

SEC. 10. The jury shall make a report of their determinations and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take, for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury without deciding between the claimants, shall report the fact, their names, and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by

each juror, shall be returned to the justice within ten days after the impaneling of the jury.

SEC. 11. The city attorney shall give assistance to the jury in making up their report as they may require. The justice shall enter said report and all the proceedings had in the cause before him in his docket. City attorney to assist jury, etc.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the mention of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may in like manner be had as often as necessary. If any juror, during the course of the proceedings, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn, and exercise the same duties as the other jurors of the [parcel] panel. Disagreement of jury, etc.

SEC. 13. Upon filing the report and award by any jury with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justices upon the application of the city council shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom, within the time prescribed in the next section. Report and awards to be confirmed within 40 days, etc.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city, in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any cost that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal. Unless confirmed within 40 days' proceedings to be at an end.

SEC. 15. At the time of filing said claim of appeal, the appellant shall present to the justice a statement in the nature of a bill of exceptions containing so much of the evidence and other Appeals to circuit court, etc.

proceedings in the matter as shall be sufficient to [prevent] present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented, said justice shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same, and within ten days thereafter said justice shall make and certify a return to said appeal setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal, and said bill of exceptions, and file the same with the clerk of said circuit court.

When circuit court to have jurisdiction, etc.

SEC. 16. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof, shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as effects the appellant, to said justice, and a new jury may be called, and the like proceedings had as upon the original application for a jury. If no error effecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way effect said judgment as to other persons interested therein who do not appeal.

Of costs of appeal, etc.

SEC. 17. Upon any dismissal of the appeal or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay cost to the city; otherwise, the court shall award such costs to him as shall be just.

To be presumptive evidence, etc.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

When payment to be made, etc.

SEC. 19. Within six months after the judgment of confirmation by the circuit court or after the judgment of confirmation by the justice shall become final, the council may pay or tender

to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property shall be occasioned by any doubt as to the ownership of the property or as to the interest of the respective parties making claims thereto.

SEC. 20. Upon the payment, tender or deposit mentioned in the preceding section, the fee of the land sought to be taken with the appurtenances and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the hands and property taken. When title to vest in city, etc.

SEC. 21. In all cases where any real estate, subject to a lease or agreement shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part. Confirmation to terminate lease, etc.

CHAPTER XX.

FINANCE AND TAXATION.

SECTION 1. The fiscal year shall commence on the third Monday in March in each year. Fiscal year.

SEC. 2. The council of the city shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this act granted. Authority to levy taxes.

SEC. 3. The revenues raised by general tax upon all the property in the city or by loan to be repaid by such tax, shall be a general fund. The city council may from time to time establish such other funds as they may deem necessary. General fund.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds: Special funds.

First, A street district fund, for each street district, for defraying the expenses of grading, improving, paving, repair- Street district fund.

ing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon the street district;

District sewer fund.

Second, A district sewer fund, for each main sewer district, for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts;

Special assessment funds.

Third, Special assessment funds; any money raised by special assessment levied in any special assessment districts, or special sewer district, to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

Limit of taxation for general tax.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the general fund mentioned in section three of this chapter is constituted, shall not, except as herein otherwise provided, exceed in any one year, one-half of one per cent exclusive of bonded indebtedness and interest thereon on the assessed value of all the real and personal property in the city made taxable by law.

Limit of tax in street districts.

SEC. 6. The common council may also raise by tax in each street district for defraying the expenses of working upon, improving, repairing and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year, one-fourth of one per cent on the assessed value of the taxable real and personal property in the district.

Limit of tax in special assessment districts.

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts, and special assessment districts for the purpose of grading, paving, curbing, graveling, and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements, chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district, or special assessment district, as the case may be, as shown by the last preceding assessment rolls of the city.

Limit of tax for sinking fund, etc.

SEC. 8. The council may also raise such further sum annually, not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Annual estimates.

SEC. 9. It shall be the duty of the council to cause estimates to be made in the month of September in each year, of all the expenditures which will be required to be made in the city during the next fiscal year, for every purpose for which any money will be required to be paid from the general funds, during such fiscal year, and the amounts that will be required to be

expended from street district funds during said next fiscal year, in working upon, improving, and repairing the streets in the several street districts of the city.

SEC. 10. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy, to meet any deficiencies for the current year; also the amount or part of any special assessment which they require to be levied or re-assessed, in the next general tax rolls of the city upon lands in any main sewer or special assessment district, or upon any parcel or against any particular person as a special assessment.

Council to determine amount of tax to be raised, etc.

SEC. 11. The council shall also in the said month of September pass a resolution, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the general funds, and from the street district funds as estimated and determined upon, as provided in section nine of this chapter, and order the same, or so much of said amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or both, and to be paid into the general funds, and street district funds of the city, but the whole amount so ordered to be raised by tax or loan or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and eight of this chapter to raise by tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or re-assessed with the next general tax, as mentioned in section ten of this chapter, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

Annual appropriation bill, etc.

SEC. 12. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October. And all sums ordered in said bill to be levied or re-assessed in street or sewer districts, or as special assessments, shall be certified at the same time to the supervisors of the respective wards, as provided in chapter eighteen and all such sums shall be levied and collected with the State and county taxes, next thereafter to be levied in the city.

Clerk to certify amounts, etc.

SEC. 13. After the passage of the annual appropriation bill, no further sums shall be used, raised, or appropriated, nor shall any further liability be incurred for any purpose, to be paid

Further appropriations to be sanctioned by vote of people, etc.

from any general fund or street district fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditures at a cost not exceeding one thousand dollars; the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and from loaning the money therefor.

Improvements to be made in pursuance of appropriation bill, etc.

SEC. 14. No improvement, work, repairs or expense, to be paid for out of any general funds or street district fund, excepting as herein otherwise provided, shall be ordered commenced or contracted for, or incurred in any fiscal year unless in pursuance of an appropriation specially made therefor in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred in any such year for any such work, improvements, repairs, or for any purpose exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general or street district fund for any purpose unless appropriated for that purpose in said bill.

Idem.

SEC. 15. No work or improvement to be paid for by special assessment, costing more than three thousand dollars, shall be ordered, commenced or contracted for; nor shall any assessment be levied therefor in any year unless the intention to make such improvement or expenditure, and to defray the cost thereof by special assessment was set forth in the last preceding annual appropriation bill.

Tax to be levied before improvement is begun, etc.

SEC. 16. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

May raise part by loan, etc.

SEC. 17. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for the purpose of the general and street district funds, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Proviso.

Council may make loans, in anticipation of tax.

SEC. 18. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvements for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

May borrow money for public buildings, etc.

SEC. 19. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of [ground] grounds therefor, or for other public improvements

or purposes to be paid for from the general funds of the city than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax rolls made therein.

Limit of,

SEC. 20. The proposition to raise such additional amount shall be submitted to a vote of the electors, by an ordinance or resolution of the city council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Proposition to be submitted to electors, etc.

SEC. 21. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purpose for which such moneys were received, and to none other.

Appropriation of particular funds, etc.

SEC. 22. No money shall be drawn from the treasury, except in pursuance of the authority and approval of the city council and upon the warrant of the city clerk, countersigned by the mayor. Such warrant shall specify the purpose and fund from which it is payable and shall be paid from no other fund.

How moneys drawn from the treasury.

SEC. 23. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred, and payable from such fund are sufficient to exhaust it. Any warrant, draft, or contract, payable by the provisions of this act from any particular fund, except bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments, or by previous liabilities, payable from such fund shall be void as against the city.

Warrants not to be drawn after fund is exhausted, etc.

SEC. 24. No loans shall be made by the city council or by its authority in any year, exceeding the amount prescribed by this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the date, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the city council to extend the time of payment, new bonds may be issued in place of former bonds, falling due in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

Bonds, etc.

SEC. 25. Immediately upon the close of the fiscal year, the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the amounts also, as far as

Statement of receipts and expenditures, etc.

practicable of all persons having claims against the city, or accounts with it, not previously audited; and shall make out a statement in detail of the receipts and expenditures of the city during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments, and the amount collected on each, and the amount of money borrowed, and upon what time and terms, and for what purposes; also the items and amounts received from other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Statement to be published.

SEC. 26. Said statement signed by the mayor and clerk, shall be filed in the office of the city clerk, and a true copy thereof published in one of the newspapers of the city, at least five [days] day previous to the next annual election.

Misappropriation of funds, etc.

SEC. 27. If any officer of the city shall directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatever, belonging to the city, or any board thereof, to his own use, or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property, may have been appropriated, raised or received or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office and may be prosecuted, tried and convicted therefor and, on conviction, may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court.

CHAPTER XXI.

ASSESSMENT AND COLLECTION OF TAXES.

Supervisors to make assessment, etc.

SECTION 1. The supervisors of the city shall in each year make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner, and within the same time, as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of the law governing the actions of supervisors of townships performing like services. And in all other respects within their respective wards they shall, unless otherwise in this act provided, conform to the provisions of law

applicable to the action and duties of supervisors in townships, in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed, or is liable to taxation, elsewhere than in said city, the supervisor shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just; and such assessment shall be conclusive, as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the treasurer or officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Assessments
against persons
claiming exemp-
tion in certain
cases, etc.

SEC. 3. All personal property found in any ward may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Personal prop-
erty to be assessed
where found,
etc.

SEC. 4. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time while making their assessments, and equalize their valuations in such manner as may be just.

Supervisors to
meet and equal-
ize assessments.

SEC. 5. The supervisors of the city, the treasurer, and the city attorney, shall constitute a board of review of assessment. At the time appointed by law for the review of assessments made by supervisors of townships, the board of review shall meet at the office of the city clerk and there proceed to review and correct the assessments made by the supervisors in the several wards; and for that purpose, said board shall have the same powers and perform the same duties in all respects as supervisors of townships, in reviewing and correcting assessments made by them. Said board shall continue in session not less than three days for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid, shall be given by the city clerk by publication in one of the newspapers of the city, at least one week before the time for the review.

Board of review,
etc.

When and where
to meet.

Notice of
meeting.

SEC. 6. When the board shall have reviewed and corrected the assessment rolls of the several wards, they shall, in addition to the certificate required to be made by the supervisor, add their own certificate to [each] such roll, signed by at least a majority

Board to certify
roll, etc.

Authority of
board.

of them, showing that they have reviewed the roll; and within thirty days thereafter each supervisor shall deliver a certified copy of his assessment roll to the city clerk to be filed in his office for the use of the council. The board of review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

City clerk to
certify amount
of tax to county
clerk.

SEC. 7. On or before the first Monday in October in each year, the city clerk shall certify to the county clerk of the county of Isabella the aggregate amount of all sums which the council requires to be raised for the year, for all city purposes, and for schools, library, and school-house purposes, by general taxation upon the taxable property of the city.

County clerk to
apportion tax to
wards, etc.

SEC. 8. Said county clerk as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, among the several wards of the city, according to the valuation of the property appearing upon the assessment rolls of said several wards of the city for such year, as equalized by the board of review mentioned in section five, and certify to the supervisors of the several wards of said city, for assessment therein, the amount so apportioned to their respective wards, giving the amount apportioned for school and library, and school-house purposes in a separate sum. Within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in the several wards of said city, and in the townships of the county for the year, said clerk of the board shall also certify to the city clerk the amounts apportioned to the several wards respectively as aforesaid.

City clerk to
certify district
funds to super-
visor, etc.

SEC. 9. On or before the first day of October in each year, the city clerk shall certify to the supervisor of each ward for assessment therein, all amounts which the council require to be assessed or re-assessed in any street district, main or special sewer district or other special assessment district, or upon any parcel of land, or against any particular person, as a special assessment or otherwise, within his ward, together with a designation of the district, or description of the land, or person, upon or within which the several sums are to be assessed or re-assessed, with such further descriptions and directions as will enable the supervisor to assess the several amounts upon the property and persons chargeable therewith.

Supervisor to
levy tax, etc.

SEC. 10. Each supervisor, at the time of levying State and county taxes in his district for the year, shall levy in the same roll upon all the taxable property in the ward, the amounts certified to him by the clerk of the board of supervisors, as provided in section eight of this chapter, to be raised for city, school and library purposes, placing the city taxes in one column and the school, library, one mill and school-house taxes in another

column, and he shall also levy in the same roll, upon the lands, property and persons chargeable therewith all special assessments and sums reported to him by the city clerk, as provided in section nine of this chapter, or in chapter twenty of this act, for assessment or re-assessment in street districts, main or special sewer districts, or for other special assessments, placing all such taxes in a column of special assessments, and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation, shall be carried into the last column of the roll.

SEC. 11. The supervisors, upon completing their rolls, shall certify to the county treasurer the amount of taxes levied in their respective rolls for State and county purposes, and to the city clerk the amounts levied therein for city and school taxes, special assessments and other purposes and for collection fees; and he shall charge the amount thereof to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do, and thereupon, and on or before the first Monday in December, the several supervisors shall deliver certified copies of the tax rolls, with the taxes extended therein as aforesaid, to the city treasurer, with their warrants for the collection of the taxes therein annexed thereto.

Supervisors to certify amount of taxes, etc., to county treasurer, etc.

SEC. 12. The warrant annexed to each roll, shall state the several amounts levied therein for city, school, county, State and other purposes, and shall command the city treasurer to collect such several amounts mentioned in the last column of said roll, and to retain in his hands the amount therein specified for city purposes, and to account for and pay over to the treasurer of school district number one of the township of Union, the amount therein specified for school purposes, and to account for and pay over to the treasurer of the county of Isabella the amount therein specified for county and State purposes, on or before the first day of February then next following. And the warrant shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

What warrant shall state, etc.

SEC. 13. All taxes levied in any ward tax roll, shall be and remain a lien upon the lands upon which they are levied until paid.

Taxes a lien.

TREASURER.

SEC. 14. The city treasurer shall, immediately after the receipt of the several tax rolls, post up in the postoffice in said city, and in as many as ten of the most public places in each ward of said city, conspicuous handbills giving notice where the tax rolls can be seen, the taxes paid and a receipt obtained therefor at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one o'clock until four o'clock in the afternoon, during the month of December, Sundays and

City treasurer to give notice of collection of taxes, etc.

Christmas excepted, and the tax rolls shall be kept at the place mentioned in such handbills during the days and hours above specified so that any person or persons can pay the tax or taxes assessed against him or them, and obtain the treasurer's receipt therefor. Such notice shall also state that for all taxes paid before the first day of January, a collection fee of one per cent will be added, and for all taxes paid after the first day of January, four per cent will be added. And the city treasurer is authorized and empowered to collect said per cent for his fees, the same as township treasurers are authorized to collect such fees.

Collection of
delinquent taxes,
etc.

SEC. 15. For the collection of all taxes remaining unpaid on the first day of January, the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose, have all the powers and authority conferred by law upon township treasurers for such purposes; and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

New warrants,
etc.

SEC. 16. The county treasurer may issue new warrants to the city treasurer for the collection of taxes in the same manner and in the same cases, and with the same effect as such new warrant may be issued to township treasurers. The city treasurer may, and it shall be his duty, to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner and all the provisions of law applicable to suits and the evidence therein brought by [township] townships treasurers in the name of their townships for such purposes, shall apply to suits brought by the city treasurer as aforesaid.

Wards to be
considered as
townships for
certain purposes,
etc.

SEC. 17. For the purpose of assessing and levying taxes under this act for State, county, school and library purposes, each ward shall be considered the same as a township; and all the provisions of law relative to the collection of taxes levied in townships, shall apply to the collection of taxes levied and assessed by the supervisors in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

City treasurer to
pay moneys to
certain officers,
etc.

SEC. 18. The city treasurer shall, within one week after the time specified and directed in the warrants annexed to said several tax rolls, pay to the treasurer of school district number one of the township of Union, out of the moneys collected by him on said rolls, the amount specified and directed in said several warrants to be paid to said treasurer; and shall, within the same time, pay to the county treasurer of Isabella county the several sums required in said warrants to be paid to said treasurer, either in delinquent taxes or in funds thus receivable by law. And all lands upon which any unpaid tax shall be

returned, shall be sold therefor the same as lands returned for delinquent taxes by township treasurers of the several townships of the State.

SEC. 19. All the provisions of the law respecting delinquent taxes levied in townships shall apply to all taxes levied in the city, and be returned as delinquent to the county treasurer. And the city, in respect to taxes levied therein and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township. And all provisions of law for the sale of lands for the payment of taxes levied for State, county, and township purposes, and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in the city, except as herein otherwise provided.

Of delinquent taxes.

SEC. 20. The city council shall have the same power in respect to the extension of time for the collection of taxes, as is conferred by law upon township boards in the several townships of this State.

Power of council as to extension of time, etc.

CHAPTER XXII.

MISCELLANEOUS.

SECTION 1. No action shall be maintained against the city upon any claim or demand whatsoever, unless the same shall first have been presented to the city council for allowance and a reasonable time and opportunity afforded the city to amicably adjust the same; nor shall any such action be commenced, except it be within one year after the cause of action shall have [accrued] occurred. A failure to comply with either of the foregoing provisions, shall be an absolute defense to all action against the city.

Of actions against the city

SEC. 2. In all suits or proceedings in which the city shall be a party, or shall be interested, no inhabitant thereof shall be deemed incompetent as a witness, or a juror, on account of interest.

Competency of witnesses and jurors.

SEC. 3. The city shall pay its due proportion of the indebtedness of the township of Union in Isabella county, as the same existed on the first Monday of April, eighteen hundred and eighty-nine, which proportion shall be founded on the valuations on the tax roll of said township of Union for the year eighteen hundred and eighty-eight; and the city council shall have power to refund such proportion of said indebtedness and for that purpose may issue the bonds of the city payable on or before twenty years from the date of their issue. Such bonds shall state for what purpose they were issued, and when they are payable, and they shall not draw more than seven per cent interest.

City to pay its proportion of indebtedness, etc.

SEC. 4. The city of Mount Pleasant shall assume and pay the bonded indebtedness of the late village of Mount Pleasant in the county of Isabella; and the city council is hereby authorized to adjust such indebtedness, and provide for the

City to assume indebtedness of village, etc.

payment of the same by the issue of [the] bonds of the city, which bonds shall state the purpose for which they were issued, and they may be made payable on or before twenty years from the time of their issue.

Repealing
clause, etc.

SEC. 5. All acts inconsistent with this act, are hereby repealed; but nothing in this act shall be construed to destroy, impair, or take away any right or remedy acquired or given by any acts hereby repealed; and all proceedings commenced under or by virtue of such former acts, shall be carried out and completed under this act. And all ordinances, by-laws, or resolutions of the late village and city of Mount Pleasant, not inconsistent with the provisions of this act, shall continue and be in force until the same are repealed or annulled as fully as though this act had not been enacted; and officers now holding office in the city shall hold the same for the time for which they were elected or appointed unless sooner removed for cause as in this act provided.

City to succeed
to rights of
village, etc.

SEC. 6. Said city of Mount Pleasant, shall succeed to all rights or in interests in, or to any land or lands which were, at the date the late village of Mount Pleasant was succeeded by the city of Mount Pleasant, held by said village by virtue of any assessment for taxes and sale to said village for delinquent taxes; and the city council may by ordinance provide for the sale and conveyance of any such rights or interests.

Idem.

SEC. 7. Said city shall succeed to all other rights [or] and interests in or to property or things of value which the said village of Mount Pleasant held or owned at the time said village was succeeded by said city of Mount Pleasant.

This act is ordered to take immediate effect.

Approved March 30, 1891.

[No. 265.]

AN ACT to incorporate the village of Clifford, in Lapeer county, Michigan.

Territory incor-
porated.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, to wit: The west half of section three, the east half of section four, the north-east quarter of section nine, and the northwest quarter of section ten, all in the township of Burlington, Lapeer county, Michigan, being township ten north, of range eleven east, be and the same is hereby constituted a village corporate, to be known as the village of Clifford.

First election.

SEC. 2. The first election of officers of said village shall be held at the G. A. R. hall in said village, on the fifth Monday in March, one thousand eight hundred and ninety-one, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village, ten days before said election.

SEC. 3. William Green, George W. Perry and John F. Turner are hereby constituted a board of registration for the purpose of registering votes for the first election to be held in said village, and the said board of registration shall meet on the Saturday next preceding the day of election at said G. A. R. hall and remain in session the same hours required by the board of registration of general elections, and register the names of all persons presenting themselves and residing in said village, and having the qualifications of voters at annual township meetings, due notice of which registration shall be made by said board, by posting notices thereof in three public places in said village, ten days previous to said meeting for registration.

Board of registration.

SEC. 4. Said village of Clifford shall, in all things not herein otherwise provided for, be governed, and its powers and duties be defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof.

Governed by general law.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on like notice being given as required therein.

Election at other than time specified.

Ordered to take immediate effect.

Approved April 2, 1891.

[No. 266.]

AN ACT to authorize and empower the township of Hancock, in the county of Houghton, to borrow money to aid in the construction, improvement and repairs of a highway, in said township, and to issue its bonds therefor, and to provide for the levy of taxes therein to pay the same.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Hancock, in Houghton county be, and it is hereby authorized and empowered to borrow, on the faith and credit of said township, a sum of money not exceeding ten thousand dollars, for a term not exceeding fifteen years, at a rate of interest not exceeding six per centum per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Authority to borrow money and issue bonds.

Limit of loan.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said township voting at the annual township meeting of said township, to be held on the first Monday in April, in the year of our Lord one thousand eight hundred and ninety-one, voting

Loan not to be made unless authorized by electors.

Clerk to give notice of election.

Form of ballots and manner of voting.

Election, how conducted, etc.

How money to be expended, etc.

Provisions for payment of interest and principal when due.

on said loan, shall so determine, and said township board, by its clerk, shall give due notice thereof, by causing the date and place of voting to be stated in written notices and by posting said notices in five public places in said township, not less than three days before said election, which notices shall state the amount of money proposed to be borrowed.

SEC. 3. The vote upon such proposition shall be by ballot either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words, "For the highway loan—Yes," and ballots against the same shall be in the following words, "For the highway loan—No," and any elector desiring to vote for the loan shall deposit a ballot, "For the highway loan—Yes," and any elector desiring to vote against the loan shall deposit a ballot, "For the highway loan—No." And it shall be the duty of said township board to provide at the polls of such election, during the whole time while the same shall be open a sufficient number of ballots for and against such proposition, printed or written, or partly printed and partly written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other regular township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the number of votes cast upon such proposition and the number for and against the same respectively, and not later than the day following such election said inspectors shall indorse upon such certificate a declaration in writing over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof certified to by said township clerk shall be by him filed with the clerk of the county of Houghton aforesaid.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction, improvement and repairs of the township highway in said township, beginning at the west boundary line of the village of Hancock in said township, and extending to a point on the shore of Lake Superior near the entrance of the canal of the Portage Lake and Lake Superior Ship Canal, Railway and Iron Company in said township, and running nearly parallel with said Portage lake and canal, and for no other purpose whatever, and if such loan shall be authorized by a majority of such electors, and in case of the issue of such bonds it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon said bonds accruing and becoming payable thereon, and also any installments of the principal thereof falling due in any such year, and said bonds shall be negotiated by and under the direction of said

township board, and the money arising therefrom shall be appropriated in such manner as said board shall determine, for the purpose aforesaid, and said board shall have power, and it shall be its duty to raise by taxes upon the taxable property of said township such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved April 2, 1891.

[No. 267.]

AN ACT to attach certain lands in the township of Hancock, in Houghton county, to school district number one of said township.

SECTION 1. *The People of the State of Michigan enact,* Lands attached to school district number one. That all lands in the township of Hancock, in the county of Houghton, not a part or portion of school district number one of said township immediately previous to the time that this act shall go into effect, be and the same are hereby attached to said school district number one of Hancock township aforesaid.

This act is ordered to take immediate effect.

Approved April 2, 1891.

[No. 268.]

AN ACT to incorporate the village of Benzonia, in the county of Benzie.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated. That so much of the township of Benzonia, in the county of Benzie, and State of Michigan, as is embraced in the following described lands, to wit: Northeast quarter of section thirty-four, northwest quarter of section thirty-five, west half of the northeast quarter of section thirty-five, southwest quarter of section twenty-six, west half of the southeast quarter of section twenty-six, southeast quarter of section twenty-seven, all in town twenty-six north of range fifteen west, be and the same is hereby made and constituted a village corporate by the name of the village of Benzonia.

SEC. 2. The first election of officers for said village shall be held on the third Monday of April, eighteen hundred and ninety-one, at Case's hall in said village of Benzonia, and W. L. Case, D. W. Phelps and J. O. Packard shall constitute the board of election, which said election shall be conducted in all respects, not herein otherwise provided for, as provided in the general law for the incorporation of villages. First election, how conducted.

Board of
registration.

SEC. 3. W. L. Case, D. W. Phelps and J. O. Packard are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby directed to meet at Case's hall, in said village, on the Saturday preceding the said third Monday in April, and register the names of all persons, residents of said village, presenting themselves for registration and having the qualifications of voters under the constitution of this State.

Notice of first
election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village at least five days before the date of said election, which notice may be signed by any five electors in said village.

Governed by
general law.

SEC. 5. The said village of Benzonia shall in all things not herein otherwise provided, be governed by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, and all the acts amendatory thereof.

Election at time
other than time
designated.

SEC. 6. In case the officers for said village are not elected at the time designated in section two of this act, an election for such officers may be held at any time within one year from the time designated in said section, notice thereof being first given as provided in section four of this act.

This act is ordered to take immediate effect.

Approved April 2, 1891.

[No. 269.]

AN ACT to authorize the village of Edmore, in the county of Montcalm, to borrow money to provide and maintain a system of electric lighting for said village, and to issue bonds therefor.

Authority to
borrow money
and issue bonds.

Limit of loan.

Provide as to
vote by electors.

If authorized,
bonds may issue,
etc.

SECTION 1. *The People of the State of Michigan enact,* That the council of the village of Edmore, in the county of Montcalm, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not exceeding five thousand dollars, which shall be expended in making public improvements in said village of Edmore, as hereinafter provided, and not otherwise: *Provided,* That a majority of the qualified electors of said village voting at an election to be called in compliance with the provisions of act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, as amended, shall vote in favor of such loan, in the manner specified in said act, and not otherwise.

SEC. 2. If such loan shall be authorized by a majority of such electors voting thereon, said bonds may be issued in such sum, not exceeding the amount hereinbefore limited, and pay-

able at such time, not exceeding ten years, with such rates of interest, not exceeding six per centum per annum, as the council shall direct. Said bonds shall be signed by the president and countersigned by the clerk, and sealed with the seal of said village, and negotiated by or under the direction of said council, and shall be negotiated at not less than the face value thereof; and the money arising therefrom shall be appropriated in such manner as the council shall determine for the purpose hereinafter specified. And the council shall have the power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due and payable.

Council to levy
tax for payment
of bonds.

SEC. 3. Any money borrowed under the provisions of this act shall be expended in furnishing and maintaining a system of electric lighting for said village of Edmore, in the purchase or procuring of grounds and buildings, and in the purchase or procuring of the necessary engines and apparatus for the same, and providing for the suitable operation thereof, and not otherwise.

How money to be
expended.

This act is ordered to take immediate effect.

Approved April 2, 1891.

[No. 270.]

AN ACT to revise and amend sections two, three and four of title one, and sections one, three, thirteen, and thirty-two of title two; sections three, eight, ten, eleven, twenty-two and twenty-seven, of title three; sections eleven, twenty-six and thirty-three, of title four; sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and twenty-one, of title five; sections two, three, six, ten, eleven, seventeen, nineteen, and twenty-three, of title six; sections twelve, twenty and twenty-six, of title ten, of an act entitled: "An act to revise the charter of the city of Grand Rapids, being amendatory of an act entitled 'An act to incorporate the city of Grand Rapids,' approved April two, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred and seventy-seven, as amended by the several acts amendatory thereof; and to repeal act number four hundred and sixty-three, of the local acts of eighteen hundred and eighty-seven, entitled "An act to provide for the election of collectors of taxes for the several wards of the city of Grand Rapids, and to prescribe the duties of such collectors," approved May eleventh, eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact*, That sections two, three and four of title one; sections one, three, thirteen, and thirty-two, of title two; sections three, eight, ten,

Sections
amended.

eleven, twenty-two, and twenty-seven, of title three; sections eleven, twenty-six and thirty-three, of title four; sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, and twenty-one, of title five; sections two, three, six, ten, eleven, seventeen, nineteen and twenty-three, of title six; sections twelve, twenty, and twenty-six, of title ten of an act entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of an act entitled 'An act to incorporate the city of Grand Rapids,' approved April two, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred and seventy-seven, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

TITLE I.

Territory
Incorporated.

SEC. 2. The district of country in the county of Kent and State of Michigan, hereinafter particularly described is hereby constituted and declared to be a city by the name of Grand Rapids and subject to the municipal government of said corporation. Said district of country being bounded as follows, viz.: Commencing at the northeast corner of section eighteen, in township seven north, of range eleven west, thence running south on the section line between sections seventeen and eighteen in said township and range, to the southeast corner of said section eighteen, thence running east on the section line between sections seventeen and twenty in said township and range, to the northeast corner of the west half of said section twenty; thence south on the east line of the said west half of the said section twenty, to the section line between sections twenty and twenty-nine of said last named township and range; thence running east to the northeast corner of said section twenty-nine, thence running south on the section lines between sections twenty-eight and twenty-nine and thirty-two and thirty-three, of said last named township and range, to the southeast corner of said section thirty-two; thence running south on the section line between sections four and five, in township six north, of range eleven west, to the southeast corner of said section five in said last named township and range; thence running west on the section lines between sections five and eight and six and seven in said last named township and range, and on the section line between sections one and twelve, in township six north, of range twelve west, to the southwest corner of said section one; thence running north on the section line between sections one and two in said last named township and range, to the northwest corner of said section one; thence running west on the north section line of sections two and three in said last named township and range, to the center of Grand river; thence running northeasterly in the center of Grand river to a point where the section line between sections thirty-four and thirty-five, in township seven north, of range twelve west, pro-

jected across said river intersects the same; thence running north on the west section lines of sections thirty-five, twenty-six, twenty-three and fourteen, in said township seven north, of range twelve west, to the northwest corner of the southwest quarter of said section fourteen; thence running east on the east and west quarter line of said section fourteen to the southwest corner of the northeast quarter of said section fourteen; thence running north on the north and south quarter line of said section fourteen to the northwest corner of the northeast quarter of said section fourteen; thence running east on the north line of said section fourteen and on the north line of section thirteen in the last named township and range, and on the north line of section eighteen in township seven north, of range eleven west, to the place of beginning; also so much of Grand river as is embraced within the boundaries above described. All the territory included in the above described limits shall form a portion of the school district of the city of Grand Rapids, and all public schools thereon, and all school property shall be under the direction and control of the board of education of the city of Grand Rapids; and the said board of education shall have the same authority, jurisdiction and powers over said territory schools and school property, as is given by law throughout the limits of the city of Grand Rapids. And the indebtedness of school districts wholly included in said annexed territory shall be paid by the said board of education of the city of Grand Rapids. Power and authority is hereby given to said board of education and school inspectors of either of said townships to determine what sum should equitably be apportioned to that part of any school district on said annexed territory whose bounds extend beyond the limits of said annexed territory for its interest in any school property existing in said annexed territory, and acquired by said board of education under the provisions of this act. And if any sum shall be found to be equitably due therefor to such school district, said board of education is hereby authorized and required to adjust and pay for the same and to raise the amount thereof in the manner provided by law for the erection of school-houses and the purchase of land for school purposes in said city of Grand Rapids.

To be a portion
of school district,
etc.

SEC. 3. So much of the townships of Grand Rapids, Paris, Wyoming and Walker in said county of Kent as are embraced within the aforesaid boundaries are hereby set off from said towns, and are reorganized into the said city of Grand Rapids.

Territory set off
from towns and
attached to city.

SEC. 4. The said city of Grand Rapids shall be divided into twelve wards, as follows:

Division into
wards.

First. All that part of the city lying south of the center line of Fulton street, extended to the center of Grand river, and west of the center line of South Division street and east of the center of Grand river, and north of the center line of Fifth avenue in said city, and of that line extended west to the center of Grand river, shall constitute the first ward;

First ward.

- Second ward.** *Second,* All that part of the said city lying north of the center line of Fulton street, and of said center line of Fulton street extended to the center of Grand river and east of the center of the said river and south of the center line of Lyon street, and of said line extended to the center of said river and extended east to the city limits, as fixed by this act, shall constitute the second ward;
- Third ward.** *Third,* All that part of the said city lying south of the center line of Fulton street, and of that line extended east to the city limits as fixed by this act, and east of the center line of South Division street, and north of the center line of Wealthy avenue and of that line extended east to said city limits, shall constitute the third ward;
- Fourth ward.** *Fourth,* All that part of [said] the city lying north of the center line of Lyon street and of said line extended to the center of Grand river, and east to the city limits, as fixed by this act, and south of the center line of Fairbanks street, and of said line extended to the center of Grand river, and extended eastwardly to the said city limits, and east of the center of Grand river, shall constitute the fourth ward;
- Fifth ward.** *Fifth,* All that part of said city lying north of the center line of Fairbanks street, and of said line extended to the center of Grand river, and extended eastwardly to the city limits as fixed by this act, and lying east of the center of Grand river, and extending north to the north boundary of said city, as fixed by this act, shall constitute the fifth ward;
- Sixth ward.** *Sixth,* All that portion of said city lying west of the center of Grand river, and north of the center line of Seventh street, and of said line extended eastwardly to the center of Grand river, and extended westwardly to the city limits, as fixed by this act, and extending north to the city limits as fixed by this act, shall constitute the sixth ward;
- Seventh ward.** *Seventh,* All that part of the said city lying west of the center of Grand river, and south of the center line of Seventh street, extended eastwardly to the center of Grand river, and westwardly to the city limits, as fixed by this act, and north of the center line of Bridge street, and of said last line extended west to the city limits, as fixed by this act, shall constitute the seventh ward;
- Eighth ward.** *Eighth,* All that part of the city lying west of the center of Grand river, and south of the center line of West Bridge street [extended] extending west to the city limits as fixed by this act, and north of the center line of Shawmut avenue extended eastwardly to the center of Grand river, and westwardly to the city limits, as fixed by this act, shall constitute the eighth ward;
- Ninth ward.** *Ninth,* All that part of said city lying south of the center line of Shawmut avenue, and said line extended east to the center of Grand river and westwardly to the city limits as fixed by this act, and west of the center of Grand river, to the west city limits, as fixed by this act, shall constitute the ninth ward;
- Tenth ward.** *Tenth,* All that part of said city lying south of the center line of Wealthy avenue, and of that line extended east to the

city limits as fixed by this act, and east of the center line of South Division street, and north of the center line of Fifth avenue, and of that line extended east to the city limits shall constitute the tenth ward;

Eleventh, All that part of said city lying south of the center line of Fifth avenue, and of that line extended east to the city limits as fixed by this act, and east of the center line of South Division street, and of that line extended south to the city limits, as fixed by this act, shall constitute the eleventh ward;

Twelfth, All that part of said city lying south of the center line of Fifth avenue and of that line extended west to the center of Grand river, and west of the center line of South Division street, and of that line extended south to the city limits as fixed by this act, and east of the center of Grand river, shall constitute the twelfth ward.

The provisions of the charter of said city relative to elections of city and ward officers, and the election of city and ward officers, and the powers and duties of such officers, shall apply to the wards of said city as hereby constituted, except as otherwise provided by the provisions of this section. At the annual charter election of said city on the first Monday in April, A. D. eighteen hundred and ninety-two, there shall be elected in the eleventh and twelfth wards of said city in the manner provided by the charter thereof, and in each of said last named wards, one alderman for the term of one year, and one for the term of two years; also one supervisor, and one constable, each for the term of one year. And in like manner there shall be elected annually thereafter in each of said wards one alderman who shall hold his office for the term of two years, one supervisor, and one constable, who shall each hold his office for the term of one year. The common council of said city shall make all necessary provision for said election and for the registration of the electors in said wards, under the charter of said city and the laws of the State of Michigan: *Provided, however*, That if the territory embraced in said wards, shall be represented by an alderman, whose term of office for which he was elected shall not expire during the year eighteen hundred and ninety-two, then, and in that case, but one alderman shall be elected in each of said wards at said first annual election, whose term of office shall be two years. All elective officers holding office at the time this section shall take effect, within that part of said city comprised in the first, tenth, eleventh and twelfth wards shall continue to hold and discharge the duties of the respective offices to which they were elected for the remainder of their term of office and until their successors are elected and qualified: *Provided, however*, That they shall only represent the territory within the ward in which they shall reside on the taking effect of this section. If upon the taking effect of this section, and by reason thereof, a vacancy should occur in any of the ward offices of the first or tenth wards, the same may be filled as in case of vacancy from other causes, under the provisions of the charter of said city, or they may be filled in the manner and for the time provided

Eleventh ward.

Twelfth ward.

Provisions of charter as to electors, etc., to apply to wards.

Officers to be elected in eleventh and twelfth wards in 1892.

At subsequent elections.

Council to make provisions for registration and election.

Proviso.

Present officers to hold until expiration of term.

Proviso.

In case of vacancy in first and tenth wards.

When sections
2, 3 and 4 take
effect.

in the first election of ward officers on the organization of a ward. The provisions of the foregoing sections two, three and four of title one shall take effect and become operative on the first day of March, eighteen hundred and ninety-two, and not before.

TITLE II.

Officers of city.

SECTION 1. The officers of said city shall be one mayor, one treasurer, one comptroller, one clerk, one marshal, one director of the poor, a board of review and equalization, to consist of three members; two aldermen in each ward of said city, one supervisor in each ward, and one constable in each ward of said city, all of whom shall be elected at the annual election of said city, by the qualified electors of the whole city, or of the wards thereof respectively, by ballot, as hereinafter provided. Also, one city physician, and so many common criers, keepers of almshouses, workhouse and penitentiary, pound masters, inspectors of firewood, inspectors of highways, weigh masters and auctioneers, as the common council shall, from time to time, direct; all to be appointed as hereinafter provided. No person shall be eligible to any of said offices, unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district unless he shall then be an elector and resident of such ward or district; and when any officer hereinbefore named shall cease to reside in said city, ward, or district, his office shall thereby become vacant: *Provided*, That it shall not be competent for any city officer to hold two offices, the salary or compensation for which is paid by the city government or any department thereof.

Who eligible to
office.

Proviso.

Election of off-
icers.

Aldermen.

Supervisor and
constable.

Mayor.

Board of review
and equalization.

Treasurer.

SEC. 3. At the first annual election to be held in said city, after the passage of this act, and at each annual election thereafter, there shall be elected one alderman in each ward of said city, by the electors thereof, voting in their several wards, who shall hold his office for the term of two years. There shall also be elected annually in each ward, by the electors thereof, one supervisor, and one constable, each for the term of one year. There shall be elected at the first annual election after the passage of this act and annually thereafter, by the electors of the whole city, voting in their respective wards, one mayor, whose term of office shall be one year. The marshal shall perform such duties as are prescribed in this act, and as may be prescribed from time to time by the common council. There shall also be elected annually by the electors of the whole city, voting in their respective wards, a member of the "board of review and equalization," whose duty shall be as hereinafter specified, and who shall hold his office for the term of three years. At the first annual election after the passage of this act, and at the annual election every second year thereafter there shall be elected in said city, by the electors thereof, voting in their respective wards, one treasurer, one clerk, one comptroller, one marshal, and one director of the poor, who

shall each hold his office for the term of two years: *Provided*, Proviso.
That all persons now holding elective offices in said city shall continue to hold their several offices for the remainder of their unexpired term.

SEC. 13. The electors shall vote by ballot, and each person offering to vote, shall deliver his ballot so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a white paper ticket each of equal length and width, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office than there are persons to be chosen at the election to fill such office. On the outside of each ballot, when folded, there shall appear, written or printed, one of the following words: "Ward," "city," or "tax;" but no ballot found in the proper box shall be rejected for want of such indorsement. Ballots and manner of voting.
The annual charter elections of said city, and all special elections, shall be conducted and held in the manner and under the provisions prescribed and provided by the general laws of the State for the election of State and county officers, in force at the time such elections are held, except as in this act or the charter of said city is otherwise expressly provided. How elections shall be conducted.
All ballots for use at such elections shall be delivered to the city clerk by the city and ward committees of the various political parties in said city, in sufficient numbers to supply the electors, at least one day before the time appointed for such election to be held, who shall safely keep the same, and apportion them among the several wards and election precincts of said city, in proportion to the number of voters in such wards and precincts as shown by the votes cast therein at the last preceding election. The city clerk shall deliver such ballots and no others, to one of the inspectors of election for each of said wards or precincts, at least two hours before the time for opening the polls at such election, and take his receipt therefor. Such inspector shall deliver such ballots and no others to the board of inspectors of election of which he is a member, before the time for the opening of said polls, who shall immediately post them in the election booths, in a way convenient for the use of the electors, and shall keep said booths supplied with said ballots, and with pencils for the use of electors from the opening until the closing of the polls; no ballots shall be left or placed in said booths except those furnished by said inspectors of election, nor shall any ballots be circulated outside of said booths, or held for circulation, or removed from such booths by any person except for his own use in voting at such election. Any elector may be assisted in the preparation of his ballot in said booth, by a member of said board of inspectors when requested to do so by said elector. Manner of canvassing votes.
The votes cast at such election shall be canvassed in the manner provided for by the pro-

Printing and
furnishing
tickets.

visions of section eighteen, of title two of the charter of said city. Said ballots shall be printed under the direction of the clerk of said city at such place in said city as the city committee, or other managing committee, of any political party or organization in said city may designate, but at the expense of said committees. Said committees shall furnish to the clerk of said city, a true copy of the ticket of the political party or organization represented by them, containing the names of the candidates, adopted by the convention, or caucus of such parties or organization, and no others, and the name of the office for which they are candidates. Said copy shall be furnished before said ballots are printed and shall be filed by said city clerk in his office. Said printed ballots shall correspond with said copy, and said city clerk shall deliver no ballots to said inspectors of election except those corresponding with the copy on file in the office of said city clerk, and no ballots shall be used at such elections except those furnished to said city clerk, and inspectors of election, and placed in said booths as aforesaid. But nothing in this act contained shall be so construed as to prohibit any elector from erasing any name, or names on said ballot in said booths, or placing any other name or names in the place thereof in said booths. The vignette or heading provided for by the general election laws of the State shall be impressed upon each ballot, printed and delivered as aforesaid, and such vignette or heading, or an impression thereof, shall be filed in the office of said city clerk, before the printing of said ballots. Each and every ballot printed as aforesaid, shall be delivered by said city, ward, or other managing committee to said city clerk. All persons violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not exceeding five hundred dollars, or by imprisonment in the county jail of the county for not exceeding six months, or by both such fine and imprisonment at the discretion of the court.

Penalty for
violating this act.

Compensation of
boards of regis-
tration and elec-
tion.

SEC. 32. The several members of the board of registration of said city, and of inspectors of election therein, shall each receive for their services in that regard the sum of three dollars per day. The expenses of any election to be held, as provided in this act, shall be city charges, and defrayed in the same manner as other contingent expenses of the city.

TITLE III.

Ordinances,
when to have
force.

SEC. 3. No ordinance, vote, motion or resolution passed by the common council shall have any force or effect if, within twenty-four hours after its passage, the mayor or other officer legally discharging the duties of mayor, shall lodge in the office of the city clerk his reasons, in writing, why the same should not go into effect, and the same shall not go into effect nor have any legal operation unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the aldermen of said city then in office, and if so

re-passed, shall go into effect according to the terms thereof; and no ordinance, vote, motion or resolution of the common council shall go into operation until after the expiration of twenty-four hours after its passage, unless the mayor or other officer legally discharging the duties of mayor, shall sooner announce in writing to be filed with the city clerk, his approval thereof. The power of the mayor to veto any ordinance, vote, motion or resolution passed by said common council as in this section provided for, shall not only apply to the vetoing of the entire of any such ordinance, vote, motion or resolution, but said mayor shall have power, in like manner, to veto any separable or distinct part of any such ordinance, vote, motion or resolution, in which event the part or portion so vetoed shall not go into effect, unless in the manner in this section provided for, it be re-passed, but the remainder and unvetoed part or portion of such ordinance, vote, motion or resolution shall go into effect as if no veto had been interposed by said mayor. Whenever the mayor shall, as in this section provided, lodge in the office of the city clerk his written reasons why any ordinance, vote, motion or resolution passed by the common council should not go into effect, such written reasons shall be filed by the city clerk in his office, who shall also indorse thereon a memorandum of the day and hour of the receipt thereof. Such written reasons shall be printed and published in the next issue of the official newspaper of said city, and such written reasons, when so filed, shall be a public record and open at all times to public inspection.

Power of mayor to veto, etc.

Veto messages to be filed with clerk and published.

SEC. 8. A majority of the common council shall be a quorum for the transaction of business, but no tax or assessment shall be ordered, or any vote taken, or resolution or order passed, the carrying out of which will involve the expenditure of money, the necessity of ordering a tax or assessment, except by a concurring affirmative vote of a majority of all the members elect of the common council, as decided by a vote of the yeas and nays. The final passage of every ordinance imposing a penalty, providing for a license, or granting a franchise, shall require the concurring affirmative vote of a majority of all the aldermen elect of the common council, as decided by a vote of the yeas and nays.

Quorum, etc.

SEC. 10. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they deem desirable, within said city, for the following purposes:

Additional powers of council.

First, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances, and disorderly assemblages;

Vice and immorality.

Disorderly
houses.

Second, To restrain and prevent disorderly and gaming houses, to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and to regulate or restrain billiard tables and bowling alleys;

Liquors and
auctions.

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling, or giving to be drunk, any intoxicating liquors to any child or young person, and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in case of sales authorized by law, and to fix the fee to be paid by auctioneers;

Sports, exhibi-
tions, etc.

Fourth, To prohibit, restrain, or regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances, and other exhibitions for money;

Nuisances.

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of said city;

Slaughter-houses,
etc.

Sixth, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible substances;

Combustible
materials.

Seventh, Concerning the buying, carrying, selling and using gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards;

Cumbering of
streets.

Eighth, To prevent the cumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, aqueducts, wharves, or slips, in any manner whatever;

Fast driving,
etc.

Ninth, To require any horse, horses, or mules attached to any vehicle or standing in any of the streets, lanes, or alleys in said city, to be securely fastened, watched, or held, and to prevent and punish horse-racing and immoderate riding or driving in any street; and to authorize the stopping and detaining of any person who shall be guilty of any immoderate riding or driving in any street;

Routes and
grades of rail-
roads, etc.

Tenth, To determine and designate the route and grades of any railroad to be laid in said city; and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city; and to compel the owners and managers of such railroads to station flagmen at street crossings, and to make such other rules and regulations concerning such railroads as to secure the safety of the citizens of said city;

Bathing in pub-
lic waters, etc.

Eleventh, To prohibit or regulate bathing in any public water, and to provide for cleansing Grand river of drift-wood and other obstructions;

Vagrants, drunk-
ards, etc.

Twelfth, To restrain and punish drunkards, vagrants, mendi-

cants, street beggars, soliciting alms or subscriptions for any purposes whatever;

Thirteenth, To establish and regulate one or more pounds, Pounds. and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Fourteenth, To regulate and prevent the running at large of Dogs. dogs, to prevent dog fights in the streets, and to provide for the destruction of dangerous and vicious dogs;

Fifteenth, To prohibit any person from bringing or depositing within the limits of said city, any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his premises such substances, or any putrid meat, meats, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof, by some officer of the city; Dead carcasses, and unwholesome substances.

Sixteenth, To compel all persons to keep the sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood or obstructions; Clearing of sidewalks.

Seventeenth, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; Ringings of bells, etc.

Eighteenth, To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars; Regulate building lines.

Nineteenth, To regulate the burial of the dead, and to compel reports of births and deaths to be made to the board of health, and the return of all burial permits to said board, and to provide for a complete record of births, deaths, and interments, to be kept in the office of said board of health; the board of health is hereby empowered to inspect all premises with a view to the enforcement of proper sanitary regulations thereon, and to cause all wells and cisterns to be properly guarded; Burial of the dead, etc.

Twentieth, To establish, order and regulate the markets of said city; to regulate the vending of hay, wood, meats, vegetables, fruit, fish, and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the said city; Markets for hay, wood, etc.

Twenty-first, To establish, regulate, and preserve public reservoirs, wells and pumps, and to prevent the waste of water; Reservoirs, etc.

Twenty-second, To prescribe rules to govern sextons and undertakers for burying the dead, carmen and their carts, hackney carriages and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license; Sextons, undertakers, etc.

Soliciting passengers, etc.	<i>Twenty-third</i> , To regulate the soliciting of guests for hotels and passengers and others to ride upon any railroad, boat street car, omnibus or stage;
Lighting of streets.	<i>Twenty-fourth</i> , To regulate the lighting the streets and alleys of the said city, and the protection and safety of public lamps, and to employ a suitable person to superintend the same, and to prescribe his duties and fix the compensation therefor;
License peddlers, etc.	<i>Twenty-fifth</i> , To license and regulate hawking and peddling in the streets of said city, and to license and regulate pawnbrokers, junk dealers, dealers in second-hand goods, and merchandise, and transient tradesmen, whoever loans money on deposit or pledges of personal property, or who purchases personal property or choses in action on condition of selling the same back again at a stipulated price, is hereby defined, and declared to be a pawnbroker;
Prescribe duties of officers, etc.	<i>Twenty-sixth</i> , To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of said city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;
Salubrity of waters.	<i>Twenty-seventh</i> , To preserve the salubrity of the waters of Grand river, or other streams within the limits of the said city; to fill up all low grounds or lots covered, or partially covered, with water, or to drain the same, as they may deem expedient;
Stands for carriages, etc.	<i>Twenty-eighth</i> , To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in the said city;
Electing and appointing officers.	<i>Twenty-ninth</i> , To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act;
Fees, etc.	<i>Thirtieth</i> , To authorize and regulate the demand and receipt by officers, of such fees and costs, and in such cases as the common council may deem reasonable;
Public parks, etc.	<i>Thirty-first</i> , To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city belonging to, or under the control of the corporation, and to control and regulate the same, consistently with the purposes and objects thereof;
Disposal of filth, etc.	<i>Thirty-second</i> , To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings, lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;
Cleaning of streets, etc.	<i>Thirty-third</i> , To provide for the cleaning of the highways, streets, avenues, lanes, alleys, public grounds and squares, cross-walks, and sidewalks in said city; to prohibit and prevent the incumbering thereof in any manner whatever; and to

remove any obstructions therefrom, and the exhibition of signs on canvass or otherwise in and upon any vehicle, standing or traveling upon the streets of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of, and the prevention of willful injury to the gutters in said highways, streets, lanes and alleys; to direct and regulate the planting, and to provide for the preservation of ornamental trees therein;

Thirty-fourth, To provide for and regulate the lighting of public lamps, and for the erection of lamps and lamp posts and suitable hitching posts; to prohibit all practices, amusements and doings in said streets, having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed therefrom all walls and structures that may be liable to fall therein, so as to endanger life or property;

Thirty-fifth, To prohibit and prevent any riot, rout, disorderly noise, disturbance or assemblage in the streets or elsewhere in said city;

Thirty-sixth, To preserve quiet and order in the streets and other public places in said city at the arrival and departure of railroad cars, and prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or express companies, draymen, cabmen, cartmen, omnibus drivers and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs or other vehicles shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage;

Thirty-seventh, To prescribe the places or stands in the streets of said city within which any vehicles may be kept for hire, and to regulate such stands and places;

Thirty-eighth, To prohibit or prevent in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings and books, and all indecent or obscene exhibitions or shows of any kind;

Thirty-ninth, To establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys and public places of said city such bridges, culverts, sewers, drains and lateral drains and sewers, as the common council may see fit, with a view to the proper draining and sewerage of said city; to compel the owners or occupants of all occupied lots, premises and subdivisions thereof within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain. Said private drains and sewers shall be constructed in such manner and of such form and dimensions and under such regulations as the board of public works may prescribe;

Awnings and signs.

Public lighting.

Riots, etc.

Order in streets, depots and public places.

Vehicle stands.

Indecent exposure, etc.

Drains, sewers, etc.

Assess, etc.,
taxes, etc.

Fortieth, To assess, levy and collect an annual assessment or tax on the real and personal property of said city, for the purpose of cleansing and keeping in repair the public sewers of said city;

Boundaries of
streets, etc.

Forty-first, To survey and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit and remove all incumbrances and encroachments upon the same by buildings, fences or in any other manner, and to number the buildings; the expense of such numbering to be assessed against and collected of the owner or occupant; to regulate the planting of shade trees, in the public streets and avenues of said city, and the trimming and care thereof, and the trimming and care of trees adjacent thereto in such manner as not to interfere with public travel, or obscure public lights thereon, and to require the same to be done at the expense of the owner, or occupant of premises, adjoining the same; and, if such owner or occupant shall neglect or refuse, after reasonable notice so to do, to conform to such regulations, to cause such regulations to be carried out and enforced at the expense of the city, and such expense to be assessed upon said adjoining premises, and collected in the manner provided by the provisions of section seventeen, of title six of the charter of said city, for the assessment and collection of the expense of constructing and repairing sidewalks;

Planting and
care of shade
trees.

Public health.

Forty-second, To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress diseases generally and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties, subject to the provisions of this act;

Plumbing,
draining, etc.

Forty-third, To regulate plumbing, house drainage and ventilation; to direct and regulate the location, construction and alteration of all cellars, slips, barns, private drains, cess-pools, sinks and privies; to compel all owners or occupants to fill up, drain, cleanse, alter, relay or repair the same; to compel the owner or owners to repair or renew all defective, broken, or worn-out plumbing, and to provide sufficient and proper ventilation and plumbing in and around their buildings, and premises, or cause the same to be done by some proper officer designated in the ordinance governing the same, and assess the expense thereof on the lot, buildings and premises having such cellar, slip, barn, private drain, cess-pool, sink or privy thereon, or having the repairs, renewals, and insufficiencies in the drainage, ventilation or plumbing made in the buildings or on the lot or premises, which assessment shall be a lien on the lot, buildings and premises, and be collected in the same manner as other assessments imposed by authority of the common council; to direct and regulate the construction of lateral sewers or drains for the purpose of effectually draining all lots, cellars, yards, low grounds and sinks within the city, whenever

Lateral sewers.

it may be necessary: *Provided*, That if such lateral sewer or drain be laid or constructed through any of the streets and alleys adjoining or in front of the premises through which such sewers or drains shall be ordered constructed, the expenses thereof shall be assessed on such lots and premises benefited thereby, which assessment shall be a lien on such lot and premises until paid, and be collected in the same manner as other assessments imposed by the authority of the common council;

Provided.

Forty-fourth, To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous or explosive substances; slaughter-houses and yards, butchering shops, soap, candle, starch and glue factories; establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on; and such buildings, factories, shops and establishments, as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam-boiler factories, carpenter shops, planing establishments, breweries and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make, with a view to the protection of persons or property from injury by fire, or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances; to take all necessary measures to prevent annoyance to the public, and to protect all persons in the city from injury to their health and property caused by the discharge of dense smoke into the atmosphere;

Location of certain buildings.

Forty-fifth, To regulate the keeping and conveyance in said city of gunpowder and other combustible or dangerous articles, and the use and kind of lights or lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra hazardous in respect to fire;

Storing combustibles.

Forty-sixth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other buildings on such streets, alleys, and places, or within such limits in said city as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot on such streets, alleys, and places, within said limits, and the re-building or repairing of wooden buildings on said streets, alleys and places within said limits, when damaged by fire or otherwise;

Fire limits.

Forty-seventh, To regulate the construction of partition fences, and of partition and parapet walls, the walls of buildings, the thickness of walls, to regulate the construction of

Fences, walls, chimneys, etc.

Scuttles on roof
of buildings.

chimneys, hearths, fire-places, fire arches, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash houses or deposits of [for] ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and inclosures, to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the city and other persons, to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Houses of ill-
fame, etc.

Forty-eighth. To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses and disorderly groceries; to restrain, suppress and punish the keepers thereof; to punish common prostitutes, vagrants and drunken and disorderly persons; to prohibit, prevent and suppress mock auctions, and every kind of fraudulent game, device or practice, and punishing and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the management, use and practice thereof;

Unwholesome
substances.

Forty-ninth. To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions; and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale; to compel all persons selling milk or keeping the same for sale in said city, to procure a license therefor, and to be properly registered; to provide for the appointment of, and to fix the compensation of inspectors of all meats, milk, food and provisions; to impose a reasonable license fee on all persons engaged in the furnishing, selling, or offering for sale of meats, milk and food products of every kind, for the purpose of defraying the expense of such inspection;

Gaming, etc.

Fiftieth. To prohibit, restrain or prevent persons from gaming for money with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop, or any other place in said city; to punish the persons keeping the building, instruments, or means for such gaming, and to compel the destruction of the same;

Lotteries.

Fifty-first. To prohibit, prevent and suppress all lotteries for drawing or disposing of money, or any other property whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction, or management thereof;

Soliciting passen-
gers, etc.

Fifty-second. To license and regulate solicitors of passengers

or baggage for the benefit of any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

Fifty-third, To license and regulate auctioneers, hawkers, peddlers, pawnbrokers, and regulate auctions, hawking, peddling and pawnbrokerage; license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever, by hand, hand-cart, show-case, show stand, or otherwise, in the public streets; to license and regulate employment agencies and offices, intelligent offices, or bureaus and labor bureaus, and all persons whose business it is to find employment for others for hire or reward, and require references and bonds to be given by every person, company, or corporation, engaging in such business, before the same shall be licensed, in order that the public and persons dealing with such offices and agencies may be protected;

Fifty-fourth, To prohibit and prevent, or license and regulate public exhibitions by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind;

Fifty-fifth, To license and regulate the keepers of hotels, taverns and other public houses, grocers and keepers of ordinaries, and victualing and other houses or places for furnishing meals or food; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof;

Fifty-sixth, To license and regulate butchers; to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths or stands at markets or any other place in said city for the sale of any kind of meat, fish, poultry, vegetables, food or provisions;

Fifty-seventh, To tax and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming;

Fifty-eighth, To appoint one or more inspectors, measurers, weighers, and gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation;

Fifty-ninth, To direct and regulate the inspecting and measuring of wood, lumber, shingles, timber, posts, stones, heading and all building material; the inspecting, measuring and weighing of coke and all kinds of coal; the inspecting and weighing of hay; the inspecting of vegetables, meats, fish, and all other food or provisions to be sold at wholesale or retail; the inspecting and weighing of flour, meal, pork, beef, and all other food or provisions and salt, to be sold in half barrels, barrels, casks, hogsheads, boxes, or other packages: *Provided*, That nothing herein contained shall be construed to authorize the inspecting,

	measuring, weighing or gauging of any article herein enumerated which is to be shipped beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same;
Weights and measures.	<i>Sixtieth</i> , To regulate the weights and measures to be used in said city, and to compel every merchant, retailer, trader and dealer in merchandise, groceries, provisions, or property of every description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of this State;
Paupers.	<i>Sixty-first</i> , To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in cars or any other mode to said city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor;
Burial of strangers, etc.	<i>Sixty-second</i> , To provide for the burial of strangers and poor deceased persons;
City hall, etc.	<i>Sixty-third</i> , To erect and provide for the erection of a city hall and all needful buildings and offices for the use of the corporation, or of its officers, and to control and regulate the same;
Alms-house.	<i>Sixty-fourth</i> , To establish, organize and maintain an alms-house department, and to purchase the necessary grounds, erect and provide for the erection of the necessary buildings therefor, either within or without the city limits, and to appoint the necessary officers therefor and provide for the government thereof;
Jails, etc.	<i>Sixty-fifth</i> , To establish and build jails, work-houses and houses of correction for the confinement of offenders; to erect and provide for the erection of the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their powers and duties, and provide for their removal from office, and the filling of vacancies;
Punishment of offenders.	<i>Sixty-sixth</i> , To provide for the imprisonment and confinement in said jails, work-houses, and houses of correction, or in the common jail of the county of Kent, at hard labor or otherwise, all persons liable to be by law imprisoned under this act, or under any ordinance of said common council, whenever convicted of a violation thereof by any court having jurisdiction of the same;
Speed of cars, etc.	<i>Sixty-seventh</i> , To prescribe and [to] regulate the speed of cars and engines on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof;
Licenses.	<i>Sixty-eighth</i> , To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued or revoked, and to pre-

scribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and the person receiving the same shall, before the issuing thereof, execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The officer authorized to issue said license may inquire into the sufficiency of the sureties in such bonds by an examination under oath as to their property and responsibility, which oath may be administered by such officer;

Limit of license.

Sixty-ninth, To assess, levy and collect taxes for the purpose of the corporation upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed until paid; and to provide means for carrying into effect the powers herein conferred, to make regulations for assessing, levying and collecting said taxes, and to sell the property taxed to pay the taxes thereon;

Taxes for corporation purposes, etc.

Seventieth, To appropriate money, provide for the payment of the debt and expenses of said city, and make regulations concerning the same, subject to the provisions of this act;

Debt and expenses of city.

Seventy-first, To provide for the punishment of all offenders for violations of, or offenses against this act, or any ordinance of the common council enacted under this or any other act of the Legislature, by holding to bail for good behavior, by imposing fines, penalties or forfeitures and costs, or by imprisonment in the common jail of the county of Kent, or any jail, work-house, house of correction or almshouse of said city, or the State House of Correction at Ionia, in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty or forfeiture, with the costs, be imposed, the offender may be sentenced to be imprisoned until the payment thereof, for a term not exceeding six months. All punishment for offenses against the ordinances of the common council, shall be prescribed in the ordinances of the common council, shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty, fine or forfeiture shall exceed five hundred dollars, and no imprisonment shall exceed the period of one year;

Punishment for violations of this act, etc.

Seventy-second, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of the county of Kent, or in any jail, work-house, house of correction or almshouse of said city, at work or labor, either within or without the same, or upon the streets of said city, or any public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

Employment of prisoners, etc.

Seventy-third, To provide for printing and publishing all

Printing, etc.

matters required to be printed and published under this act, or by order of the common council, in such manner as said common council may prescribe;

Public peace,
etc.

Seventy-fourth, To provide for maintaining the peace, order and good government of said city;

Census.

Seventy-fifth, To provide for the taking of a census of the inhabitants of said city, whenever the common council may see fit, and to direct and regulate the same;

Power to purchase and sell
real estate.

Seventy-sixth, The common council shall have power by a concurrent vote of two-thirds of all the members elect, to purchase and sell real estate for the use of said corporation, for corporate purposes; they shall also have power to purchase and control land for cemetery and park purposes, within or without the corporate limits of said city.

Council may
establish boundaries of streets,
etc.

SEC. 11. The common council may, by ordinance or otherwise, ascertain, establish and settle the boundaries of all streets, lanes and alleys, in the said city, and prevent and remove all incumbrances and encroachments thereon, and said common council shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate, or abolish any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor, in the manner provided in this act, or by the general laws of said State. Whenever the common council shall determine by resolution, that the opening, extension, widening or straightening of any street, highway, avenue, lane or alley in said city, is a necessary public improvement, and that it is necessary to take private property therefor, it shall be lawful for said common council to negotiate with the owner or owners thereof, for the purchase and conveyance of the same to the city of Grand Rapids, and to devote the same to the public uses, described in the resolution, and to no other uses whatever; and in case such negotiations shall result in the sale and conveyance of such private property to said city, for the public uses described in said resolution, it shall be lawful for said common council, if they believe that a portion of the city adjacent to, or in the vicinity of said proposed improvement will be benefited by such improvement to determine the same by an entry in their minutes to that effect, and also by such entry determine that the whole or any just proportion of such purchase price shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and shall thereupon, by resolution, fix and determine the district or portion of the city deemed to be benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which each lot, parcel or subdivision is deemed to acquire by such improvement. The provisions of section fifteen of act number forty-eight, of the public acts of one thousand eight hundred eighty-seven, relating to the

When necessary
to take private
property.

Assessment of
benefits on lands
benefited.

What provisions
apply, etc.

assessment of compensation awarded by a jury for property taken for public use in the cities and villages of this State, and the provisions of the charter of said city relating to the levying and collection of the expense of a public improvement assessed upon a district deemed to be benefited thereby, and all proceedings incident thereto provided for in said charter, shall apply to assessments to provide for the payment of such purchase price, so far as the same are consistent with the provisions of this section. The common council may exercise all other powers conferred upon them by this act in relation to highways, streets, lanes, alleys, parks, public grounds, sewers, drains, the prevention of fires, the levying of taxes, the levying of assessments, the supplying of the city with gas lights and electric and other lights, and water; and upon all other subjects of municipal regulations not herein expressly provided for. The common council is also hereby authorized to contract for the removal of night soil, for the depositing of the [city's] city funds and for the lighting of said city, which said contracts may be extended over a period of not exceeding three years at any one time.

Other powers
relative to high-
ways, streets,
sewers, etc.

SEC. 22. The common council of said city, on the nomination of the mayor thereof, is hereby authorized to appoint a sealer of weights and measures for said city, who shall also act as inspector of all food, fuel, and other products sold, or to be sold for use in said city, enumerated and referred to in subdivisions fifty-eight, fifty-nine and sixty of section ten, title three, of this act. Such nomination and appointment shall be made on the first Monday of May, in each year, or within twenty days thereafter. The person so appointed, before he enters upon the duties of his office, shall give a bond for the faithful performance of the duties of his office, and conditioned in other respects as required by the charter of said city. He shall receive a salary of not exceeding seventy-five dollars per month, to be fixed by the common council. He shall be the custodian of the standard of weights and measures belonging to said city. The common council is hereby authorized to make such rules and regulations, by ordinance or otherwise, for the testing of weights and measures in use in said city, as they shall deem to be necessary for the protection of the public, which said rules and regulations shall conform to the standard of weights and measures prescribed by the general laws of the State, and shall be carried out and enforced by said inspector and sealer of weights and measures. The common council shall, by ordinance, prescribe and regulate the duties of said inspector and sealer of weights and measures, and the fees to be charged and collected for his services, which said fees shall belong to said city, reported by him to said common council, and be paid by him into the treasury of said city. He shall make a report of his doings, monthly, to the common council, and at such other times as the common council shall direct.

Council to ap-
point sealer of
weights and
measures.

To give bond.

Council to fix
salary of.

Duties, fees, etc.

SEC. 27. Nothing in section ten of this title, or in this act contained, shall be construed so as to prohibit any farmer from selling without a license to persons within said city, the prod-

Farmers may
sell without
license.

Sale of milk to be
licensed.

ucts of his farm without restriction as to quantity; but the same shall be subject to such rules and regulations as to the purity and healthfulness of the commodity sold, as the common council or board of health of said city may from time to time impose; and said common council is hereby authorized to enforce such rules and regulations by ordinance with appropriate penalties for a violation thereof. The common council of said city is hereby authorized to license the sale of milk in said city, and make rules and regulations, governing the sale of the same, and other food products, and provide for the inspection thereof, and to prevent the adulteration of the same, and to prohibit the sale of impure, unwholesome or adulterated milk, or other food within the limits of said city, and enforce such rules and regulations, by ordinance, with appropriate penalties.

TITLE IV.

Duty of treasurer,
etc.

SEC. 11. The treasurer shall receive all moneys paid in for school purposes, and all moneys belonging to the city, except such as are in this act required to be in the keeping of some other officer, and shall deposit the same daily in the depository or depositories of the city, selected and designated by the common council, and shall take his or their vouchers therefor in duplicate, filing one of said vouchers with the comptroller of said city, and filing the other of said vouchers in the office of said city treasurer. Said treasurer shall keep an account of all receipts and expenditures of said city, in such manner as the common council shall direct, in proper books of account to be provided by said city; which said books of account shall be the property of said city, and constitute part of the public records of said city. The books required to be kept by such depository or depositories shall, at all times during the business hours of the day, be open to and subject to be inspected by any member or members of the common council, the city treasurer, the comptroller or city attorney. The common council shall have power to contract with any safe and secure banking institution or institutions in said city, for a period not exceeding three years, for the safe keeping of the public moneys belonging to, or in the custody of said city, and for the payment of interest thereon, at the rate not exceeding that established by law, upon such moneys of the city, or in its custody, deposited with such banking institution or institutions, and to be drawn therefrom, on account current, by said city, through its proper officer or officers, which said interest shall belong to and be credited to the general fund of said city. Every contract with a banking institution shall contain an agreement authorizing the common council, whenever it shall deem the interests of the city requires it, to terminate such contract and withdraw the money deposited, and in case of such termination the books required to be kept by such depositories shall be delivered into the custody of the city clerk by such depository. The common coun-

Council to contract for safe-keeping of moneys, etc.

cil of said city, by ordinance, resolution or otherwise, may make such rules and regulations, and prescribe such conditions relative to the letting of such contracts with such depository or depositories, the drawing upon said money so deposited, and the securities to be given by such depository or depositories, as to said common council may seem just, and for the best interest and security of the said city, not inconsistent with the provisions of this act. The depository or depositories so designated by the common council, shall keep an account in a set of books of all moneys belonging to, or in the custody of said city, deposited with such depository or depositories, such books to be provided by said city, and to belong to said city, and to constitute a part of the public records of said city, and to be by the outgoing depository or depositories delivered to the depository or depositories succeeding to the trust. Such depository or depositories shall report, in writing, monthly to the common council of said city, the amount of the moneys belonging to, or in the custody of the city, then on deposit with said depository or depositories. The common council of said city, shall on the second Monday of April next preceding the termination of any existing contract, or within ten days thereafter, advertise in the official paper of said city, for a period of at least one week, after the first insertion of such advertisement, for sealed proposals from the banking institutions in said city, for the highest rate of interest obtainable from such banking institutions on daily balances of moneys belonging to said city, or in the custody of said city, and the lowest rate of interest to be paid by said city for such temporary loans as the said city shall have power to make. The common council shall have power to award the deposit of the city moneys, in such quantity or quantities as may be for the best interest of said city, and of all moneys lawfully in the custody of said city, to such safe and secure banking institution or institutions within said city, as shall offer the best terms in answer to such advertisement for proposals, and shall require such depository or depositories to give suitable bonds, in such penalty as the common council may determine, and with such sureties as the common council may approve, before any transfer of such city moneys be made to such depository or depositories. In case no agreement is entered into for depositing the money of the city, or in case such agreement is terminated, and at any time there shall be no such depository or depositories, the city treasurer shall receive and retain in his hands all moneys belonging to the city and which shall come to his hands, and shall pay the same out upon warrants drawn upon him as provided by law. All moneys drawn from the city depository or depositories for city purposes shall be drawn by warrants, designating the depository, signed by the clerk and countersigned by the comptroller of said city. All warrants drawn upon the city treasurer for city purposes, shall be drawn in pursuance of an order from the common council, which warrants shall be signed by the clerk of said city and countersigned by the comptroller of said

Council may prescribe conditions for deposits.

Proposals to be advertised for.

How moneys drawn from depository.

How drawn from treasury.

city, and every such warrant shall specify for what purpose the amount named therein is to be paid, and out of which particular fund payable, and the clerk shall keep an account, under appropriate heads, of all expenditures and of all orders and warrants drawn upon the treasurer in suitable books, to be kept by him for that purpose, which books shall be furnished by, belong to, and be part of the public records of said city. On the order of the common council, it shall be the duty of the clerk of said city, after the expiration of at least twenty-four hours next following any regular or special session of the common council of said city, at which any claims or demands against the city have been duly allowed, to draw a warrant or check on the city depository or depositories, designated by the council for the aggregate sum of all claims and demands against said city, allowed at any such regular or special session of said common council; which said warrant or check for such aggregate shall be signed by said clerk, and countersigned by the comptroller of said city, and payable to the order of the treasurer of said city: *Provided, however,* That no item or items, to the allowance of which by said common council, the mayor of said city may, in the manner in this act provided, have interposed his veto, shall be included in any such aggregate, or in the warrant or check drawn therefor; nor shall any item or items of such claims or demands, for the payment of which there are not sufficient funds in the treasury, out of which they may be lawfully paid, to meet the same, be included in such aggregate, or in such warrant or check. The city treasurer shall draw from the city depository or depositories the amount called for by such warrant or check, and use the same to pay the claims and demands, in the manner in this act provided, allowed by said common council at such regular or special meeting and included in the aggregate of such warrant or check. The clerk of said city shall, on the first regular meeting of the common council of said city in each month, report, in writing, to said common council the amount of all warrants so, as aforesaid, drawn by him upon the treasurer of said city, which have not been called for within thirty days after the countersigning of such warrants, together with the name of the person to whom each of said warrants was payable, and out of what city fund payable. Upon the receipt of such report the said common council shall have power to order the cancellation of such warrants not so called for, and instruct the treasurer of said city to forthwith deposit in the depository or depositories designated by the council of said [city] the aggregate amount of the warrants covered by such monthly report.

Proviso. The city treasurer shall in respect to the school moneys received by him, perform all the duties and be subject to all the liabilities that the township treasurers of the State are by law subject to, in respect to the keeping and paying out of moneys collected for school purposes. The books and accounts of the city treasurer shall be open to the inspection of any elector of said city. The treasurer shall exhibit to the common council

School moneys.

at the last regular meeting in the month of April in each year, a full and fair account of the receipts and expenditures of the said city, and of the moneys of said city coming into his hands by virtue of his office, since the date of the last annual report of the city treasurer, and also the state of the treasury of said city, which account, if found correct, shall be filed in the office of the city clerk. The treasurer shall keep an office, which shall be provided and furnished for him by said city, and he shall devote his whole time to the duties of his said office. The common council of said city shall, when in their opinion necessary, and upon the written recommendation and nomination of the treasurer of said city, appoint and furnish for the treasurer of said city such deputies, assistants and clerks as may, from time to time, be necessary for the proper discharge of his duties, and said common council shall fix the compensation of every such deputy, assistant or clerk so employed, at the time of such employment, and prescribe the term of employment. The common council are hereby authorized to require new or additional bonds or security from the city treasurer, and from the depositories of the money belonging to the city, at any time or times when they shall deem the interest of the city requires it should be done, to protect the city against loss, or the risk of loss, of moneys deposited or to be deposited with such treasurer or city depositories.

Annual exhibit
of receipts and
expenditures,
etc.

City treasurer
may have deputy.

Compensation of
deputy.

SEC. 26. The comptroller, previous to entering upon the duties of his office, shall take and subscribe an oath for the faithful performance of the duties of said office, and he shall also enter into a bond in such sum, and with such sureties, as the common council shall fix and approve in writing, indorsed thereon, which bond shall be filed with the city clerk. The comptroller shall receive and audit the claims and demands of all persons against the city; every such claim and demand shall be verified as required in section eight [of] title four of this act, and shall be certified as correct, by the officer, board, or chairman of the committee under whose authority the contract or liability upon which the claim or demand is based originated, and the common council may pay all claims, accounts, and demands so examined, which shall be recommended by said comptroller for payment, but not otherwise, unless by a vote of all the aldermen elect of said city, present at any regular meeting of said common council. Said comptroller shall keep an accurate account of all claims, demands and accounts so recommended by him, as well as a separate account of all claims, demands [and accounts] which he shall receive, and which, after due examination by him, are rejected. In his report to the common council, he shall separate all claims for special improvements from general claims, also all claims payable out of a special fund when there is no money in such fund to satisfy the same. All papers, bills and vouchers for all claims and demands recommended or reported by him to the common council, after the same have been accepted, adopted or finally disposed of by the common council, shall be placed on file in

Comptroller,
oath, bond,
duties, etc.

Clerks and
assistants.

Salaries and fees
of officers.

his office, and it shall be his duty to keep the same in good and proper order subject, however, to such orders as the common council may thereafter make in relation thereto. Said comptroller shall countersign all orders for the payment of money out of the city depository or depositories, and all orders upon the city treasurer, and the same shall be drawn and delivered by him at his office and shall perform such other duties as the common council may by ordinance or otherwise prescribe, and such other duties as are prescribed in this act. The common council shall, when in their opinion necessary, and upon the written recommendation of the comptroller, furnish for the comptroller such assistants and clerks as may, from time to time, be necessary for the proper discharge of his duties, and fix the compensation of such assistants or clerks, and prescribe the terms of their employment.

SEC. 33. The common council shall annually determine the salary or compensation to be paid to the several officers of the said city within the limitations hereinafter prescribed, and which limitations shall be as follows, to wit: To the city clerk, in addition to his fees and perquisites prescribed by law, one thousand dollars per annum; to the assistant city clerk, one thousand dollars per annum; to the city treasurer two thousand five hundred dollars per annum; to the city marshal for all services performed one thousand three hundred dollars per annum; to the mayor of said city, one thousand two hundred dollars per annum; to each of the alderman of said city, three hundred and fifty dollars per annum; to the city comptroller, one thousand five hundred dollars per annum; to the attorney of said city, two thousand five hundred dollars per annum; and to the city physician, one thousand two hundred dollars per annum; said salaries to be fixed by an affirmative vote of at least two-thirds of all the aldermen elect of said city; and said common council may establish and prescribe such fees or salary to be paid to all other officers of said city, whose fees or salaries are not prescribed by law for services performed for said city, in all cases where such fees or salary are to be paid by said city. The clerk of the board of health of said city shall receive for his services a salary not exceeding nine hundred dollars per annum to be fixed by said board of health. The clerk of said city is hereby authorized to administer all oaths required to be administered by the provisions of this act, but shall receive no compensation from said city therefor.

TITLE V.

City treasurer to
collect all taxes.

To give bond to
city.

To give bond to
county treasurer.

SEC. 3. The treasurer of said city shall collect all taxes, including taxes for local improvements, assessed upon the whole city or parts or portions thereof, and for that purpose said treasurer shall give bonds to said city in such sum, and with such sureties as the common council shall require and approve; and such treasurer of said city shall give to the treasurer of the county of Kent, such further security as is,

or may hereafter be required by law, of the several township treasurers of the several townships of this State; and for the purpose of the collection and return of all such taxes, including taxes for State and county purposes, and the return of property delinquent for the non-payment of taxes, the said city treasurer, on giving the bonds or security so required, shall possess all of the powers, and exercise and perform all of the functions and duties of the several township treasurers of this State, as now are, or may hereafter be prescribed by law, and shall also perform such other duties respecting the collection and return of taxes and special assessments, as this act imposes.

Powers of treasurer as collector.

SEC. 4. The treasurer of said city shall have an office for the receipt of all taxes and assessments to him payable or by him to be collected, which office shall be open for the receipt of such taxes and assessments from eight o'clock in the forenoon until noon, and from one o'clock until the hour of five o'clock in the afternoon of each and every secular day of the time during which any tax roll shall be in his hands for collection, and he shall also keep his said office open for the receipt and collection of all taxes and assessments by him receivable on Friday of every week, from the hour of seven o'clock P. M. to the hour of nine o'clock P. M. unless any such Friday be a legal holiday; and he shall also keep his said office open on Tuesday of every week unless any such Tuesday be a legal holiday, from the hour of seven o'clock P. M. to the hour of nine o'clock P. M. from the fifteenth day of August to the fourteenth day of October, both inclusive, and from the first day of December to the thirty-first day of December, both inclusive, for the receipt and collection of all taxes and assessments by him receivable. Upon the receipt of any tax roll, for State, county, and school taxes, he shall give notice thereof by publication of such notice in at least two newspapers, published and circulated in said city, for at least ten days next after the first publication of said notice, and by printed notices posted in at least five public places in each ward of said city; which said notice shall describe said tax roll, and the general nature of the taxes therein contained, and shall also name the location of his office.

Treasurers' office to be open for receipt of taxes.

Notice of receipt of roll and location of office.

SEC. 5. The supervisors of the several wards of said city shall complete the tax rolls of their respective wards, for State, county and school taxes, and deliver the same with their warrant thereto attached to the treasurer of said city within the time prescribed by law for the completion and delivery of the township tax rolls to the respective township treasurers of this State.

Completion and delivery of tax roll.

SEC. 6. For the collection of all State, county and school taxes the city treasurer shall be entitled to add to all such taxes collected by him the same interest, collection fees and charges as now are, or hereafter may be, provided by the general tax laws of the State, for interest, collection fees and charges on township tax rolls when collected by the township treasurers of this State: *Provided, however,* That all such

Collection fees.

Proviso.

collection fees and charges which now are, or hereafter may be, by the general tax laws of this State, payable to the township treasurer to his own use, shall, when collected by said city treasurer, be by him paid into the general fund of said city for the use of said city.

Duty of supervisors as to assessment and rolls.

SEC. 7. The supervisors of the several wards* of said city shall, in each year, make and complete the assessment of all the real and personal property within their respective wards, in the same manner as is now or may at any time hereafter be required by the general tax laws of this State for the assessment of property in the several townships of this State, and on or before the fourth Monday in May of each year they shall deliver their assessment rolls to one of the members of the board of review and equalization, and in doing so they shall conform to the provisions of law governing the action of supervisors of the several townships of this State, except as to the time limited for the completion of their assessment rolls and for delivering the same to the board of review and equalization, performing like services; and in all other respects within their respective wards, they shall, unless when otherwise in this act provided, conform to the provisions of the laws of this State, governing the action of supervisors in the several townships of this State in the assessment of property, the levying of taxes and issuing of warrants for the collection and return thereof; and they shall also in each year within ten days after receiving their rolls from the board of review and equalization, make and file with the city clerk of said city a true and certified copy of the assessment rolls of their respective wards for such year, and said city clerk shall receive and file the same in his office. Said supervisors are hereby authorized to employ such clerical assistance as may be necessary to enable them to complete their assessment rolls, and a true and certified copy thereof within the time in this section prescribed, at a compensation of not exceeding two dollars per day, for the time actually employed, to be paid out of the general or contingent fund of said city, under the direction of the common council of said city.

Certified copy of assessment rolls.

May employ clerical help.

Compensation of help.

Board of review, duty of.

SEC. 8. It shall be the duty of the board of review and equalization to receive and review the assessment rolls of the several wards of said city; and they shall give notice by advertising in at least two newspapers printed and published in said city, for a period of at least three days next preceding such review, of the time and place of holding such review; and the said board of review and equalization shall have the power, and it shall be their duty, to examine said assessment rolls and correct any errors found therein, and reduce or increase the valuation of any property found on said rolls, and to alter, amend, and correct any assessment or valuation, or description, and to place upon the assessment rolls of the proper wards any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from any such roll any property wrongfully thereon; and the said board of

review and equalization shall have the power to administer oaths, and examine witnesses, the same as now possessed by the board of supervisors of townships in this State, or as at any time hereafter may be conferred on supervisors of townships by the general tax laws of this State, or upon township boards of review. No assessments shall be increased, nor property added to said rolls, except upon notice to the person or persons to be affected thereby, but it shall be sufficient to serve any such notice upon a resident of said city, by leaving the same at his usual place of abode, with some person of suitable age and discretion, at least three days before any such action is taken by said board, and in case of [a] non-resident of said city, it shall be sufficient to publish such notice in the official newspaper of said city, for at least three days before any such action shall be taken by said board. The said board shall keep a record of their proceedings, which record shall be signed by a majority of said board, and, in particular, said board shall cause a certificate to be made and filed of the service or publication of every notice in regard to the increase of assessments, or addition of any property to any such roll, which record of their proceedings and certificates shall be duly [filed] filed in the office of said board. Said board of review and equalization shall, for the purpose of reviewing the said assessment rolls, as in this section provided, meet on the fourth Monday in May, in each year, and be present at their office from eight o'clock in the forenoon until twelve o'clock noon, and from one o'clock in the afternoon until five o'clock in the afternoon, for the purpose of reviewing such assessment rolls, and so on, and until and including Wednesday of the next succeeding week. Said board of review and equalization shall have a suitable office to be provided and furnished at the expense of said city. The common council of said city, on the application of said board of review and equalization, or a majority of them, may authorize said board to employ such clerical assistance as may be necessary in the discharge of their duties, in the review of said rolls, at a compensation to be fixed by said common council, payable out of the general or contingent fund of said city.

Assessments not to be increased without notice.

Time of meeting.

Board may employ clerical help.

Compensation of.

SEC. 9. It shall be the duty of said board of review and equalization, immediately after the receipt of said assessment rolls, as provided for in section eight of title five of this act, to proceed to examine and ascertain whether the real estate in the respective wards has been equally and uniformly estimated. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property in the ward or wards, such an amount as, in their judgment, will produce relatively an equal and uniform valuation of the real estate, and the amount added to or deducted from the valuation of each ward shall be so stated in the certificate attached to said assessment rolls; and all taxes for State, county, school, general city purposes, highway, sewer and other purposes shall be apportioned according to said equalization; and said equaliza-

Equalization in the several wards.

Proviso.

tion shall not be changed with regard to the relative valuation of the several wards of said city: *Provided*, That nothing herein contained shall prevent the board of supervisors of the county of Kent from equalizing said city of Grand Rapids as a township of said county.

Certificate of board of review.

SEC. 10. After the assessment shall have been equalized, it shall be the duty of said board of review and equalization, or a majority thereof, to make and sign a certificate which shall be attached or appended to the roll of each ward, which certificate may be in the following form, to wit: We do hereby certify that we have reviewed and equalized the within roll, by adding to or deducting from the valuation of the real estate and other property, as assessed by the supervisor, or without adding to or deducting from the valuation of the real estate and other property, made by the supervisor, as the case may be, and have determined the aggregate value of the taxable property in the ——— ward to be ——— dollars and ——— cents, for the year eighteen——, which assessment rolls, certified to as aforesaid, shall be returned to the supervisors of the respective wards on or before the fifteenth day of June in each year.

Council to determine amount or tax necessary.

SEC. 11. It shall be the duty of the common council of said city, on or before the last Saturday of June, eighteen hundred and ninety-one, and on or before the last Saturday of June in each year thereafter, to determine by resolution, the amount necessary to be raised by tax for city, highway, sewer, and all other municipal purposes for which said city may legally raise money by tax, within said city, for the ensuing year; and it shall be the duty of the clerk of said city to certify the amount to be raised to the comptroller of said city within five [days] thereafter; and it is hereby made the duty of the said comptroller to apportion the amount so to be raised, among the several wards of said city according to the valuation of the property appearing upon the assessment rolls of the several wards, for such year, as equalized by the board of review and equalization, for such year, and also to certify under his hand and the seal of said city to the supervisors of the several wards of said city the amount so apportioned to their respective wards, within five days thereafter and file a copy of said certificate in his office; and it is hereby made the duty of the supervisors of the several wards of said city, upon receipt of said certificate, forthwith to take each into his possession, the certified copy of the assessment roll of his ward for such year, filed with the clerk of said city, as provided in section seven of this title and give said clerk a receipt therefor, and ratably assess in dollars and cents upon said roll, the amount of all city, highway, sewer, and other city taxes legally leviable by said city, authorized to be levied, assessed and collected in such year for said city, highway, sewer and municipal purposes, within said city, to each person named, and upon lots and real estate described, upon said respective assessment rolls and personal property therein contained, said rolls to be known as the city tax rolls of said city, showing in separate columns the amount of the city,

Clerk to certify amount to comptroller.

Comptroller to apportion, etc.

Notice to supervisors.

Supervisors to ratably assess, etc.

highway, sewer, and other said municipal taxes assessed to each person, lots or real estate and personal property in such year; and when said rolls have been completed, footed and balanced, which shall be on or before the tenth day of August of such year, the said supervisors shall each deliver said tax roll to the said comptroller, who shall make entry of the same, and of the totals of all taxes assessed on each of said rolls respectively, on the books of his office, and the said comptroller shall, on or before the fifteenth day of August thereafter, deposit said rolls with the city treasurer, take his receipt therefor and charge him therewith. Before delivering said rolls to the city treasurer, a warrant shall be issued and annexed by said comptroller to each of said tax rolls, returnable on the first day of January then next succeeding, signed by the said comptroller, and under the corporate seal of said city, directed to the treasurer of said city, commanding and authorizing him, in the name of the people of the State of Michigan, to collect from the persons named in any of said tax rolls, the tax or assessment therein set forth, due from such persons and unpaid on any of said rolls up to and including the fifteenth day of October of such year, without any collection fee; and commanding and authorizing said city treasurer to collect any such tax from the person or persons named in such city tax rolls, together with an addition of two per cent for collection fees on all such taxes paid after the fifteenth day of October, and before and on the fifteenth day of November of such year, and four per cent thereafter and until the return day of said warrant, but in no case shall more than four per cent of the amount of the tax be charged or collected as collection fees. Said warrant shall also further authorize the said treasurer, when necessary for the purpose of collecting any such tax and collection fees not paid on or before the fifteenth day of October of such year, to levy upon and sell the personal property of any person or persons named in said roll, refusing or neglecting to pay any tax or taxes assessed against any such person or persons, wherever such personal property may be found within the limits of the county of Kent. In case said treasurer be apprehensive of the loss of any personal tax on any such roll, he may take steps to enforce its collection at any time, and if compelled to seize property or bring suit, may add four per cent for collection fees. Upon the receipt of the said city tax rolls by the treasurer as hereinbefore provided, the taxes assessed and levied thereon shall become and be due and payable, and said treasurer shall forthwith, upon the reception of the said tax rolls, give notice, by publishing for three successive days in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward of said city, that the said tax rolls have been deposited with him for collection, and that payment of the taxes therein assessed and levied may be made to him without addition to said taxes, [on] or any taxes paid to him before the fifteenth day of October then following, and on that day, but that an addition of two per cent

Comptroller to
receive roll when
completed.

Comptroller to
attach warrant,
etc.

Treasurer to give
notice of receipt
of roll.

Power to collect
tax by levy, etc.

Non-residents
may be notified
by mail.

Powers of
deputies.

for collection fees upon all unpaid taxes will be made thereto on that day, and an addition of four per cent for collection fees will be made to all of said taxes not paid on or before the fifteenth day of November next following; and that the payment of all taxes remaining unpaid after said fifteenth day of October will, if necessary, be enforced by levy and sale of any personal property which may be found in said county of Kent, belonging to the person or persons against whom such [tax] taxes is assessed, which notice shall be a sufficient demand for the payment of all taxes upon any of said rolls. Upon the receipt of any tax assessed upon any of said rolls, the said city treasurer shall mark the same paid upon the proper roll, adding after the word "paid" the day and month when paid, By virtue of the warrant by this act authorized to be issued and attached by the comptroller to any such tax roll, the city treasurer shall have power, and it shall be his duty, to diligently search for and levy upon the personal property of any person or persons for whom such taxes may be due [wherever] whenever the same may be found within the limits of Kent county, and he shall have the same powers in respect to the seizure and sale of property, and may take the same proceedings to enforce the collection of the taxes upon any of said rolls as are now, or may at any time hereafter be conferred upon township treasurers by the general laws of this State, except as herein otherwise specially provided. For the purpose of collecting such taxes remaining unpaid after the fifteenth day of October, the treasurer of said city shall, in person or by one of his deputies, during the next sixty days after said fifteenth day of October, call upon each person liable to pay such taxes, personally, if such person be a resident of said city, or at such person's usual place of residence or business therein, and demand payment of the taxes charged against him. If such person is not a resident of said city, but resides within the county of Kent, and his residence and post-office address is known to the treasurer of said city, said treasurer, or one of his deputies, shall make such demand either personally or by mail postage prepaid. If such demand be sent by mail, the amount of the tax shall be stated and the place and the time where and when it may be paid. Said treasurer shall give a receipt for every tax paid, and shall enter the fact of payment and the date thereof upon the proper tax roll. In case of any tax assessed upon the shares of capital stock of any bank, he shall call upon the cashier of such bank and demand payment thereof, and thereupon it shall be the duty of such cashier to pay the same and charge the amount so paid against the shares of stock so taxed. All powers conferred on the treasurer of said city by this act, in regard to the collection of taxes, or the collection of special assessments, or in regard to the seizure and sale of property for the non-payment of any such taxes, or of any special assessment, shall be possessed by any deputy of said city treasurer during the time of his employment, who has been duly nominated and appointed in

the manner provided for in section eleven of title four of this act. All taxes remaining unpaid on said tax rolls at the time of the expiration of said warrant, shall be returned by the city treasurer to the treasurer of the county of Kent, in the same manner as returns of delinquent taxes by township treasurers are made, and all general laws of the State relating to such returns of township treasurers, and to the collection of such delinquent taxes, in force at the time such return is made, shall apply to said returns of the city treasurer and the taxes contained therein, as provided in section twelve of title five of this act.

Unpaid taxes to be returned to county treasurer.

SEC. 12. Every tax levied or imposed by authority of the common council, or of this act, except where otherwise provided, shall constitute a charge against the person or persons to whom assessed from the date of the delivery of the city tax rolls to the city treasurer; and shall, together with all interest and charges become and remain until paid, a lien upon the lands and tenements against which the same are assessed, on and after the said day of the delivery of such roll to the city treasurer, and all provisions of law respecting the return and sale of property for non-payment of taxes for State, county, school and township purposes, shall apply to the return and sale of property for the non-payment of such city, highway, sewer and other municipal taxes, except as herein otherwise provided. The treasurer of Kent county shall, on demand, and as fast as the same are received, pay over to the said city treasurer the full amount of all city, highway, sewer and other municipal taxes returned delinquent for non-payment, received by such county treasurer, together with the four per cent collection fees thereon. And he shall also, as soon as the same are received by the said county of Kent, pay over to said city treasurer the net proceeds of the sale of all property so returned delinquent for the non-payment of taxes on such city tax rolls. All interest and fees on the taxes aforesaid, collected or received by said treasurer, shall belong to said city and shall, by him, when received, be paid into the general fund of said city.

Taxes a lien, etc.

Payment of delinquent taxes to city treasurer by county treasurer.

SEC. 13. In case any person upon whom any tax may have been assessed in any ward of said city for personal estate, shall have removed out of such ward after such assessment, and before such tax ought, by law, to be collected, it shall be lawful for the treasurer of said city to levy and collect such tax of the goods and chattels of the persons so assessed, in any township within the county of Kent, or in any ward of said city to which [such] said person shall have removed, or in which he shall reside, or in which he may have personal property.

Removal of persons assessed.

SEC. 14. It shall be the duty of the supervisor of each ward of said city, to make a copy of the annual assessment roll of his ward, as finally reviewed and equalized by the board of review and equalization of said city, upon which he shall ratably assess the county, State and school taxes as provided by the general laws of the State. When said roll shall be completed, footed and balanced, said supervisor shall annex thereto

Supervisor to make copy of assessment roll, etc.

To attach warrant to roll.

Renewal of
treasurer's
warrant.

a warrant, directed to the treasurer of said city, commanding the collection of the taxes thereon assessed, and the return to be made to the treasurer of the county of Kent, in like manner as the same is, or may be, by law required in warrants of township treasurers, for the collection of taxes in the townships of this State. Whenever the treasurer of said city shall be unable to collect any such State, county, or school tax on personal property, on account of the absence of the person so taxed, or for any other cause, the county treasurer, if required, shall issue a new warrant to said city treasurer for such tax, and thereupon the said warrant shall be and remain in full force for the purpose of such collection, until the next annual meeting of the board of supervisors of Kent county, unless the tax is sooner collected; and the said city treasurer shall charge and collect such rate of interest and collection fees on all such taxes, until the day of collection, as is now, or may hereafter be, required by the general tax laws of this State.

Taxes may be
sued for.

SEC. 15. Whenever any tax shall hereafter be assessed on any city tax roll, for city, highway, sewer, or other municipal purposes, on personal property, in any ward of said city, and shall be returned for non-payment, it shall be lawful for the treasurer of said city, in the name of the city of Grand Rapids, to sue the person or persons against whom such tax was assessed, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law, for the collection of debts, to enforce the payment of any such tax; or it shall be lawful, at any time after such return, for the common council of said city to direct such personal tax, so returned, to be re-assessed by the supervisor of such ward, upon the personal or real estate of the person or persons, against whom the same was originally assessed.

Executions on
judgments for
tax.

SEC. 16. Executions issued upon judgments rendered for any such tax, may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by supervisors under the general tax laws of this State as now, or at any time hereafter in force; and the proceedings of an officer with any such execution shall be the same, in all respects, as are now directed by law.

Assessment roll
to be *prima*
facie evidence,
etc.,

SEC. 17. The production of any assessment roll on the trial of any action brought for the recovery of any State, county or school tax, or for the recovery of any city, highway, sewer, or other tax for city purposes, therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the proper warrant annexed, of any of the wards of said city of Grand Rapids, containing any such tax, be read and used in evidence; and if it shall appear from such assessment roll that there is a tax assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same, and the court before whom the case may be pending shall render judgment against the defendant for all the taxes appearing upon said to have been assessed to said defendant, unless he shall make it [appear] that he has

paid such tax, and no stay of execution shall be allowed on any such judgment.

SEC. 18. The net proceeds of the [sales] sale of all property, delinquent for non-payment of city, highway, sewer or school taxes, or other taxes for city purposes, shall be paid to the treasurer of said city by the treasurer of the county of Kent whenever required by the treasurer of said city, and the net proceeds of all sums paid to the treasurer of the county of Kent before sale, on account of property within said city returned delinquent for non-payment of city, highway, sewer or school taxes, or other taxes for city purposes, shall in like manner be paid to said city treasurer. The city treasurer shall pay to the treasurer of the county of Kent all State and county taxes collected by him, and all taxes upon the State and county tax rolls by him collected, except school taxes, which said school taxes he shall retain, and pay into the city treasury, and credit the same to the school fund of said city.

Proceeds of sale to be paid to city treasurer, etc.

SEC. 21. All sums of money directed to be raised by the common council, except as in this act otherwise provided, shall be assessed upon all the real and personal estate in the said city, according to the valuation of the same as appears from the valuation thereof by the last preceding assessment rolls filed in the office of the city clerk; but no real or personal property which shall be exempt from taxation by the general laws of this State nor any public square, park or other public ground, shall be assessed for the ordinary State, county, city, highway, sewer or school taxes: *Provided, however,* That the provisions of this section shall not prevent the assessments, and the collection thereof, to defray the expense of street and other public improvements, upon property deemed to be benefited thereby, according to the provisions of title six of the charter of said city, and of this act.

Assessments to be based upon valuation on last roll.

Provided.

TITLE VI.

SEC. 2. The board of public works of said city shall have power, and are empowered, to grade, gravel, raise, level, repair, amend, pave or cover with broken or pounded stone, plank or other material, all streets, alleys, lanes, highways, public grounds or sidewalks in said city, and such designated portions of any street, alley, lane or highway in said city, as the common council, by a majority vote of all the aldermen elect shall, by [a] resolution, declare to be a necessary public improvement, whether the same has previously been graded, graveled, raised, leveled repaired, amended, paved or covered as aforesaid or not: *Provided,* That the common council shall not have authority to declare the grading or paving of any street, lane, alley or highway, a necessary public improvement, unless it shall have been petitioned so to do by the owners of a majority of all property on said street, lane, alley or highway or designated portion thereof, proposed to be improved, residing in the city of Grand Rapids, after the grade shall have been established.

Power of board of public works.

Provided.

But this proviso shall not apply when said common council shall, by a vote of five-sixths of all the members elect of said common council, declare such grading, or paving, a necessary public improvement.

Apportionment
of expenses of
public improve-
ment.

SEC. 3. Whenever the common council shall determine that the whole, or any part of the expense of any public improvement, shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall declare the same by an entry in their minutes, and after ascertaining the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole, or what portion thereof, shall be assessed to such owners and occupants, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvement; the cost and expense of making the estimates, plans and assessments incidental thereto, shall be included in the expense of such improvement. The common council is hereby authorized to meet the expense of the following named improvements in the following manner:

May borrow
money in antici-
pation of taxes.

First, For the purpose of meeting the expense of constructing sewers, and of improving the streets and avenues of said city, by paving, grading, graveling or otherwise, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may by resolution authorize and direct the mayor, comptroller and clerk of said city to borrow a sum not exceeding two hundred thousand dollars in any one year for such purpose, and to issue the bonds of said city therefor, bearing interest at the rate of not exceeding five per cent per annum, with interest coupons attached; which said bonds and coupons, shall be signed by the mayor and countersigned by the comptroller of said city: *Provided, however*, That the total amount of said bonds thus authorized to be issued shall not exceed five hundred thousand dollars outstanding at any one time. Said bonds shall be made payable in equal amounts each year, for a period not exceeding five years from the date of issue, as the common council may direct. The said bonds shall be indorsed "Street improvement bonds," or "Sewer construction bonds," as the case may be, and shall be numbered or lettered by the city clerk consecutively. Said bonds shall not be sold for less than par, shall be payable at the office of the city treasurer, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the "Street improvement bond and interest fund," or "Sewer construction bond and interest fund," as the case may be. All said bonds shall be paid at maturity and canceled, and shall not be re-issued or refunded;

Proviso.

Indorsement on
bonds.

Provisions of
this title applica-
ble, etc.

Second, All provisions of this title, relative to ascertaining and assessing the cost of public improvements, shall be applicable to the ascertainment of the cost of street improvements and the construction of sewers paid for by the proceeds of street improvements and sewer construction bonds, and the assessment of said costs upon the property deemed to be bene-

fited thereby, except that the assessment rolls for improvements paid for in the first instance by street improvement or sewer construction bonds or their proceeds, shall be designated by the [city] clerk as "street improvement" or "sewer construction rolls." Said assessment rolls shall be subject to appeals therefrom to the common council, by the parties assessed therein, and shall be subject to ratification and confirmation by the common council, and shall be final and conclusive, as in other cases of public improvements, under the provisions of this title, and shall be a lien upon the premises from the date of such confirmation. All unpaid installments of the assessments in said assessment rolls, provided for by the provisions of this section, shall bear interest at the rate of six per cent per annum from the time of the confirmation of the assessment roll containing the same, by the common council. The board of review and equalization of said city, or other assessing officer or officers, shall divide each assessment contained in said rolls into so many equal parts as the common council shall direct. Said assessment rolls shall be attested by the city clerk under the seal of said city, and be deposited with the city treasurer, and a copy thereof, certified by said clerk, with the comptroller, and retained in his office;

Unpaid assessments to bear interest.

Rolls to be deposited with treasurer and copy with comptroller.

Third, On or before the last Saturday in June of each year, the city treasurer shall certify to the common council any additional amount, not provided for, to meet the balance of the street improvement and sewer construction bonded indebtedness of the city, maturing in the year following the fifteenth day of August next ensuing, and the annual interest on all outstanding street improvement and sewer construction bonds maturing within that time, which [said] amount said common council shall order spread on the annual tax roll, and which shall be spread thereon, in the street improvement and sewer construction bond column thereof, upon all the real and personal property of the city, liable to taxation for general city purposes; and such taxes, when so assessed, shall become a lien upon the premises assessed, the same as other city taxes, and so remain until paid, and the payment thereof shall be enforced and collected in the same manner as the annual taxes of said city; and, for non-payment thereof, the premises may be sold, in the same manner as for the non-payment of said annual taxes; and when so collected, shall be placed to the credit of the street improvement bond and interest fund, or to the "sewer construction bond and interest fund," as the case may be, and shall be applied to the payment of the principal and interest of said bonds as they shall fall due, and for no other purpose;

Council to be notified of additional amount needed for improvements.

Said amount to be spread on annual tax roll.

Fourth, The first installment of said assessment to defray the expense of such improvement, or of the construction of such sewer, under the provisions of this section, shall be collected in the same manner as assessments for other public improvements, under the provisions of this title, and shall become due when the assessment roll containing the same shall be

How first installment to be collected, etc.

placed in the hands of the city treasurer, and all the provisions of section ten of this title shall be applicable thereto; and in case of the non-payment of said installment, or any installment on any such assessment roll, the premises upon which the same is assessed shall be returned and sold for [the] non-payment thereof, as in other cases of assessment for public improvements, under the provisions of this title, and with the same force and effect. Said installment, when collected, shall be placed by the city treasurer to the credit of the sewer construction or the street improvement bond fund, as the case may be. The other installments of said assessment, shall become due and payable as follows: The first in one year, the second in two years, the third in three years, [and] the fourth in four years, as the common council shall have provided, next after the date of the confirmation by the common council of the assessment roll containing the same, with interest annually at the rate of six per cent per annum: *Provided, however,* That said assessments, with the interest thereon, at the rate aforesaid, may be paid to the city treasurer at any time after the confirmation, as aforesaid, of the assessment roll containing the same; and if not paid when due, ten per cent shall be added thereto, and collected thereon, with said assessments;

Proviso.

Construction of powers granted.

Fifth, The powers herein granted, relative to the issue of street improvement and sewer construction bonds, shall be construed to be permissive, and their exercise within the discretion of the common council, and if said common council shall not order the same to be issued, or if issued, shall be unable to negotiate the same under the provisions of this section, then and in such case, the expense of such street improvements shall be defrayed, provided for, and raised, in the same manner as the expense of other public improvements, under the provisions of this title, and as though no authority had been given to issue such bonds.

Commissioners to make assessment and roll.

SEC. 6. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively; and in assessments for street improvements or the construction of sewers, under the provisions of section three of this title, where the expense thereof is to be defrayed in the first instance by the proceeds of street improvement or sewer construction bonds, they shall divide each assessment into such number of equal parts as the common council shall have ordered, and shall state in a heading to said assessments, when each part is due under the provisions of [said] section three; and in case any lots or parts of lots shall be occupied, belonging to any person residing in said city, such person shall be assessed for the same, and his name entered accordingly; and in case such lots or parts of lots shall belong to a non-resident, or owner or owners unknown, the same shall be entered accord-

ingly, with a description of such lots or premises as is, or may hereafter be, required by law, in assessment rolls made by the supervisors of the several townships of this State, with the value thereof and the amount assessed thereon, which assessment roll shall be subscribed by them, or a majority of them, who acted in the premises, and returned as speedily as may be to the common council of said city: *Provided*, That it shall be the duty of said commissioners to complete and return any such assessment roll within thirty days after taking the oath prescribed in section five of this title, unless the common council, upon the written application of a majority of said commissioners, grants further time. Nothing in this proviso contained shall be deemed, in any way, to invalidate any such assessment roll because of its non-completion within the time in this proviso limited, but the intent of this proviso is that said commissioners shall not be entitled to receive any compensation or *per diem*, for any time in excess of the time limited in said proviso, unless the common council shall have granted the extension as herein provided.

SEC. 10. Every assessment roll so ratified and confirmed by the common council as aforesaid shall be final and conclusive, and be *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessments therein contained shall be, and continue, a lien on the premises on which the same is made, and the assessment roll so confirmed as aforesaid shall, unless otherwise ordered by the common council, be delivered by the city clerk to the treasurer of the city, who shall take his receipt therefor, and indorse thereon the time of such delivery; the treasurer shall thereupon give notice by publication, for at least twenty days, in two newspapers published in said city, of the receipt of such assessment roll, and that the same will remain in his office for the space of twenty days after the first publication of said notice, during which time he will receive the payment of such assessments without extra charge; and said treasurer shall give a receipt to all persons who shall pay their assessments to him before the expiration of said twenty days, and shall indorse the same as paid to him on such roll. Immediately after the expiration of said twenty days, the said treasurer shall cause to be served on each person, firm or corporation, whose name appears on said roll as not having paid the tax assessed against them within the twenty days above named, a written or printed notice, or partly written and partly printed, specifying the amount of the tax assessed against them, with two per cent added for collection fees, and giving notice that at the expiration of thirty days after the date of said notice, a further sum of three per cent on the original tax will be added to all taxes remaining unpaid on said roll, as a collection fee. When, for any reason, personal service of said notice cannot be had, it shall be sufficient to send the same through the mail, with postage prepaid thereon, directed to the person assessed. The treasurer of said city shall attach to each roll a certificate that the notice above

Proviso.

Assessment roll evidence of regularity of proceedings.

Assessments a lien on premises.

Roll delivered to city clerk.

Notice of time of receiving payment.

Treasurer to serve written notice on persons who have not paid, etc.

Additional per cent for collecting.

Mayor to attach warrant, etc.

Fees to belong to city.

Who shall pay assessment for public improvements.

Council may order owners to construct, etc., sidewalks, etc.

required has been served. It shall be the duty of the city treasurer to add the above sum of two per cent to the original tax on all sums not paid within twenty days, and the further sum of three per cent on the original tax on all sums not paid within thirty days thereafter, and the same shall be and remain a part of the assessment. At the time of the delivery of the assessment roll to the city treasurer, the mayor shall attach his warrant thereto, commanding him to collect the assessments therein contained, together with the fees hereinbefore prescribed, within ninety days from the date thereof, and deposit the same daily in the city depository, or as the common council shall direct; the treasurer shall proceed in the collection thereof, as directed by this section. And in the case of assessment rolls for street improvements, or the construction of sewers under the provisions of section three of this title, and where the assessments therein are divided into equal parts, and are payable in installments under the provisions of section three of this title, said warrant shall command the collection of the several installments of said [assessments] assessment as the same shall have been divided in said assessment roll and the treasurer's notices in this section provided for shall correspond thereto. The collection of all assessment rolls in the hands of the marshal on the first Monday in May, eighteen hundred and eighty-seven, shall be completed by him, and all proceedings thereon shall be had in conformity to the provisions of the charter of said city of Grand Rapids, as in force before the passage of this act. All fees received by the treasurer, in conformity with the provisions of this act, or other provisions of the charter of said city of Grand Rapids, shall belong to said city, and be paid into the city treasury or depository to the credit of the general fund of said city.

SEC. 11. In cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed in law the person who ought to bear and pay every such assessment made for the expense of any public improvement in the said city. Any person owning an undivided share, or other part or parcel of real property, assessed in one description, for any of the purposes mentioned in this title, or for any special improvement, may pay on the part thus owned, by paying an amount having the same relation to the whole assessment on said parcel as the part on which payment is made has to the whole parcel assessed. The person making such payment shall accurately describe the part or share on which he makes payment, and the receipt given, and the record of the receiving officer shall show such description, and by whom paid; and in case of the sale of the remaining part or share for non-payment of taxes, he may purchase the same in like manner as any disinterested person could purchase the same.

SEC. 17. Whenever the common council shall deem it expedient to construct any sidewalk within said city, it may, by ordinance or otherwise, require the owner or occupant of any

lot or premises adjoining thereto, or fronting or abutting thereon, to lay or construct such sidewalk in front of or adjoining such lot or premises; the common council in like manner may, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants, or either, to repair and reconstruct sidewalks in front of or adjoining their respective premises, in such manner as the common council, by ordinance or otherwise, may direct; the expense to which any occupant or tenant may be thus subjected, may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds the premises. If such owner or occupant shall neglect or refuse to make, repair or reconstruct any sidewalk in front of or adjoining his, her, or their premises within such time as the common council shall prescribe, it shall be lawful for said council to cause the same to be done at the expense of the city; an accurate account of the expense thereof shall be kept by the city marshal, and returned to the city clerk, which said account shall be [certified] credited by said marshal and filed in the office of the city clerk, and a duplicate thereof in his own office within five days after said work shall be done; said account so certified by said marshal shall contain a description of each parcel of real estate adjoining which said sidewalk was made, repaired or reconstructed, and the expense thereof, and also the name of the owner or occupant of each parcel of real estate, if known, and if not known such fact shall be so stated in said account. It shall be the duty of the city clerk, on the first Monday in August, November and February in each year, to place said accounts then remaining unpaid, in an assessment roll, together with ten per cent of the amount of each account, to be added thereto, which said assessment roll shall be returned by him and reported to the common council, and shall be, in substance, the same as the assessment roll provided for by this title in case of assessments to defray the expenses of public improvements upon districts deemed to be benefited thereby, except that it shall not be necessary to place any valuation upon any land or premises described in said roll. Said assessment rolls shall be subject to appeals therefrom to the common council, and notice thereof given, and such appeals shall be heard by said common council as in cases of other assessments provided for by this title, and all the provisions of [sections] section eight and nine of this title relative to notice of appeals, and the hearing and action of the common council thereon, shall be applicable thereto, and said rolls shall be subject to ratification and confirmation by the common council, as in other cases under this title. Said expense of making, repairing or reconstructing such sidewalk shall be a lien upon said adjoining premises to the amount thereof and ten per cent of said amount added thereto. The city clerk shall sign said roll and annex his certificate thereto. The mayor shall, within ten days thereafter, annex his warrant to said roll, commanding

In case of neglect or refusal, etc.

City clerk to make assessment roll and add ten per cent.

Expense of making, repairing, etc., to be a lien.

Warrant to marshal to collect, etc.

said marshal to collect said assessments within sixty days from the date thereof; and thereupon it shall be the duty of the marshal, and he is hereby given full power and authority, to levy and collect the same by distress and sale of any personal property upon such premises belonging to the person chargeable with such assessment; and the said warrant shall so command, and shall further authorize said marshal to collect four per cent for his fees thereon in addition to said assessments; and all the provisions of this title, relative to the return and sale of real estate for unpaid assessments thereon, are hereby made applicable to assessments herein provided for, except that said marshal shall make such return and sale. The marshal shall pay over to the city treasurer all moneys collected by him under the provisions of this section, including the collection fees prescribed by law or ordinance, within the time specified in his warrant, and take said treasurer's receipt therefor.

Authority to assess lands of non-residents, etc.

Owner or occupant to keep sidewalk in good repair.

In case of failure so to do.

SEC. 19. The common council are hereby authorized to assess the lands of non-residents, as well as residents of said city, their just proportion of the expenses of cleaning and repairing streets and sidewalks, and removing nuisances; and it shall, in all cases, be the duty of the owner or occupant of every lot, or parcel of land in said city to keep the sidewalk adjoining his lot or parcel of land in good repair, and also to remove and clear away all snow and ice, and other obstructions from the sidewalk; and upon failure so to do, the common council may cause the same to be done at the expense of the city, and the said expense shall be assessed upon said lot or parcel of land, and the amount so assessed shall be collected, in the same manner, and the same proceedings shall be had in case of the non-payment of the same, as is provided in section seventeen of this title; and the same shall be a lien on such lot or parcel of land, and may be enforced, in the manner, and to the same extent, as provided in said section seventeen of this title.

To make weekly reports of expenditures.

SEC. 23. The person or persons appointed by the common council to superintend the expenditure of the highway funds of said city shall, at the regular meeting of the common council in each week, make the full report of all his or their doings and expenditures during the previous week, with vouchers for the same, verified by his or their oath or affirmation; and if such statements and reports of expenditures shall be satisfactory to said common council, they shall order the payment thereof out of the proper highway funds of said city, by orders signed by the city clerk and countersigned by the comptroller.

TITLE X.

How and for what purpose council may borrow money.

SEC. 12. For the purpose of purchasing sites for and constructing a city almshouse, city hall, city market or any other public buildings, or for constructing or rebuilding bridges, across Grand river, within the limits of said city, or for building, extending or enlarging the water-works or any portion

thereof in said city, the common council, may borrow on the faith of said city, such sums of money, for either of such purposes, as the common council may deem expedient, for a term of years not exceeding twenty, at a rate of interest not exceeding six per cent per annum; and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the comptroller thereof, and in such form and sums as the common council may direct; and such bonds shall be disposed of under the direction of the mayor and common council of said city, upon such terms as may be advisable, but not for less than the par value thereof, and the avails thereof shall be applied to the purposes for which the same was executed, and for no other purpose: *Provided*, That nothing in this act contained shall be so construed as to authorize the incurring of any bonded indebtedness against said city of Grand Rapids, for any of the purposes above specified, unless the qualified electors of said city, voting in their respective wards, shall have authorized the issuing of said bonds by a majority of their votes cast at any regular election, or at a special election called for the purpose of voting upon such question, except such as are expressly authorized by sections nineteen and twenty-two of title five, and section three of title six of this act, and except for the purpose of rebuilding or replacing any bridge across Grand river in said city, which shall have been destroyed, and for the purpose of repairing or rebuilding any portion of the water-works of said city which may have been damaged or destroyed, which bonds for the rebuilding or replacing such bridge, or repairing or rebuilding said water-works, shall not exceed the sum of twenty-five thousand dollars in each case, and shall not be required to be submitted as aforesaid.

Limit of time
and interest.

May issue bonds.

Proviso as to
vote of electors
on issuing bonds.

SEC. 20. No mistake or error in the proceedings in regard to the opening or improvement of streets, avenues, public ways or alleys, or in the construction of sewers, or in the assessment or collection of the costs or expenses thereof or in the proceedings for the assessment or collection of municipal taxes in said city, shall defeat said city in the enforcement and collection thereof; but any such mistakes or errors may be corrected upon equitable principles, by or under the direction of the common council of said city, if discovered before suit brought thereon, or by the court after suit is instituted, and the proper amount enforced as though no such error had occurred.

Mistakes or
errors not to
defeat collection,
etc.

SEC. 26. The judge of the police court of Grand Rapids may, upon complaint made upon oath, issue a search-warrant, when satisfied that there is reasonable cause, in the following cases, to wit:

When search-
warrants may
issue.

First, To search for and seize, anywhere within the limits of said city, lottery tickets, or materials for a lottery, unlawfully made, provided or procured for the purpose of drawing a lottery;

To seize lottery
tickets, etc.

Second, To search for and seize, anywhere within the limits of said city, any gaming apparatus, or implements used or kept

To seize gaming
apparatus.

Owner to show cause why property should not be destroyed.

Right to appeal from order of court.

Proviso.

Act repealed.

and provided to be used in unlawful gaming, in any gaming house, or in any building, apartment or place resorted to for the purpose of unlawful gaming. If there be positive proof that any such property as is described above is concealed in any particular house or place, within said city, the warrant may authorize the searching of said house or place in the night time. When any officer in the execution of any search-warrant in this section provided for, shall find any such property as is herein above described, all the property and things so seized shall be safely kept by direction of the said court, so long as may be necessary for the purpose of being produced or used as evidence on any trial. Said court shall have power, after at least ten days' written notice personally served on the owner or claimant of any such property so siezed by virtue of any such search-warrant to show cause why the same should not be destroyed, and after due opportunity has been afforded to such owner or claimant to show cause before said court why the same should not be destroyed, to order the property so seized to be destroyed. Any such owner or claimant shall have the right to appeal from such order of said police court of Grand Rapids, ordering the destruction of such property, to the circuit court for the county of Kent, in the same manner and within the same time as is provided for appeals from justices of the peace in civil cases: *Provided, however,* That said appellant or appellants shall not be required to prepay any costs on the taking of such appeal.

SEC. 2. That act number four hundred and sixty-three of the local acts of eighteen hundred and eighty-seven, entitled "An act to provide for the election of collectors of taxes for the several wards of the city of Grand Rapids, and to prescribe the duties of such collectors," approved may eleventh, eighteen hundred and eighty-seven, and all acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved April 2, 1891.

[No. 271.]

AN ACT to amend act number three hundred and seven of the local acts of eighteen hundred and eighty-five, entitled "An act to revise and amend the charter of the city of West Bay City and to repeal all acts and parts of acts in conflict therewith," approved April first, eighteen hundred and eighty-five, as amended and revised by the several acts amendatory and revisionary thereof, by amending sections thirteen and fifteen of title three; sections three and forty of title four and title four by adding a new section thereto to stand as section forty-one; sections three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-four, forty-two and forty-three of title five; entire title twelve by sub-

stituting a new title therefor to stand as title twelve; sections one, two, three, ten, twelve, seventeen and twenty of title thirteen; sections three, four and twelve of title fourteen; sections five, six and seven of title fifteen; sections six, twelve, thirteen, fourteen, eighteen and nineteen of title sixteen; entire title eighteen by substituting a new title therefor to stand as title eighteen; and to repeal sections nineteen, twenty, twenty-one and twenty-two of title eleven; sections twenty-five, twenty-six, forty-four, forty-five, forty-six, forty-seven and forty-eight of title five of said act as amended by the several acts amendatory and revisionary thereof.

SECTION 1. *The People of the State of Michigan enact,* That sections thirteen and fifteen of title three; sections three and forty of title four, and title four by adding a new section thereto to stand as section forty-one; sections three, four, five, eight, nine, ten, eleven, twelve, thirteen, fourteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-four, forty-two and forty-three of title five; entire title twelve by substituting a new title therefor to stand as title twelve; sections one, two, three, ten, twelve, seventeen and twenty of title thirteen; sections three, four and twelve of title fourteen; sections five, six and seven of title fifteen; sections six, twelve, thirteen, fourteen, eighteen and nineteen of title sixteen; entire title eighteen by substituting a new title therefor to stand as title eighteen of act number three hundred and seven of the local acts of eighteen hundred and eighty-five, entitled "An act to revise and amend the charter of the city of West Bay City and to repeal all acts and parts of acts in conflict therewith," approved April first, eighteen hundred and eighty-five as amended and revised by the several acts amendatory and revisionary thereof, be and the same are hereby amended so as to read as hereinafter set forth; and that sections nineteen, twenty, twenty-one and twenty-two of title eleven; sections twenty-five, twenty-six, forty-four, forty-five, forty-six, forty-seven and forty-eight of title five of said act as amended by the several acts amendatory and revisionary thereof, be and the same are hereby repealed.

Sections amended and repealed.

TITLE III.

SEC. 13. The person receiving the greatest number of votes for any elective office in said city or any ward thereof shall be deemed to have been duly elected to such office. Should two or more persons receive the same number of votes for any such office the common council shall appoint a day for the appearance before them of such persons, for the purpose of determining by lot the right to such office, and shall cause notice thereof to be given to all such persons interested. At the time appointed such persons shall draw lots for such office before the common council, in the same manner, as near as may be, as is prescribed by law for the drawing of lots by

Who deemed elected.

Persons receiving equal number of votes to cast lots.

candidates for members of the Legislature and the person successful in the lot shall be declared duly elected.

Officers to be appointed by council.

SEC. 15. The common council on the second Monday in April, A. D. eighteen hundred and ninety-one, and on the second Monday in April every second year thereafter shall appoint the following city officers, viz.: One city attorney, one street commissioner, one city surveyor, one harbor master, one city sexton and two city assessors, each of whom shall hold his office for the term of two years. The common council shall also appoint on the second Monday in April, A. D. eighteen hundred and ninety-one, and from time to time thereafter, one chief of police and such number of policemen, with pay, and such number of policemen and watchmen, without pay, as they shall deem necessary, and shall fix and limit the term of office of the persons so appointed, in accordance with the provisions of this act. The common council may also appoint such number of pound masters, inspectors of fire-wood, weight masters and such other officers as may be necessary to carry into effect the provisions of this act, and fix the term of their office: *Provided*, That the term of their office shall not be for a longer period than one year. If for any cause the common council should fail to make the foregoing appointments or any of them at the time above mentioned then it shall be lawful for the common council to make such appointments as soon as practicable thereafter; whenever any officer appointed by the provisions of this section, for any cause shall be unable to perform the duties of his office, the common council shall have power to appoint an officer who shall perform the duties of the office until such disability shall cease. The appointments by the common council shall be made only by a concurring vote of a majority of all the aldermen elect: *Provided*, That in case of a tie vote by the common council, on a vote of all the aldermen elect in any such appointments, the mayor shall have a right to vote.

Proviso as to term of office.

Proviso in case of tie.

TITLE IV.

President pro tem.

SEC. 3. At the first regular meeting of the common council after the annual charter election in each year, the council shall appoint one of their number president *pro tempore* of the council who in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem*, the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and duties of the president *pro tem*.

Electric lighting, etc.

SEC. 40. The common council may erect and maintain a system of electric lighting for the streets and public places in said city, and for that purpose may purchase or lease machinery, power and all necessary attachments and appurtenances to enable them to put and maintain the same in successful

operation. The common council may enter into contract with any person, firm or corporation, for the maintenance of a system of electric lighting for the streets and public places in said city, in such manner as they shall deem for the best interest of the city, and such contract may be so made and entered into for any period not exceeding three years.

SEC. 41. The common council shall have authority to provide for the inspection and management of stationary and portable steam-boilers and steam generators, to appoint one or more inspectors of portable or stationary steam-boilers or steam generators, and to prescribe and regulate their powers, duties, fees and compensation, and to license and regulate engineers and firemen of portable or stationary steam-boilers or steam generators.

Inspection of
steam-boilers,
etc.

TITLE V.

SEC. 3. The mayor may remove any officer appointed by him at any time. He shall have authority at all times to examine and inspect the books, records and papers of any agent employé or officer of the corporation.

Mayor may re-
move officers
appointed by
him.

SEC. 4. In the absence from the city or disability of the mayor, or of any vacancy in his office, the president *pro tempore*, of the council shall perform the duties of [the] mayor.

When president
pro tem to per-
form mayor's
duties.

SEC. 5. The mayor shall sign all orders for the payment of money, except school moneys, out of the city treasury, after having ascertained from the minutes that it has been appropriated by the common council, and he shall make a record of all orders signed, and shall perform such other duties as the common council shall by ordinance prescribe, and such other duties as are prescribed by this act.

Duties of mayor.

SEC. 8. The recorder shall draft and sign all orders upon the city treasury for claims allowed by the common council, designating thereon the fund from which payment is to be made and shall make a record of all orders so drawn by him, and sign all bonds, and other like evidences of debt and shall sign all cemetery deeds. He shall also act as clerk of the board of public works, the board of health, the board of cemetery trustees and the board of water-works of said city, and, when so required, of the standing committees of the common council, and perform such other duties as may be required by this act or ordinances of the city. When any tax or money is to be levied, raised or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

Duty of recorder.

SEC. 9. The recorder shall be the sealer of weights and measures of the said city, and shall perform all the duties of township clerk, so far as the same applies to the sealing of weights. The recorder shall publish at least once a week for two consecutive weeks, in a newspaper published in said city, if one be published there, if not, then in some newspaper pub-

Recorder to be
sealer of weights
and measures.

To publish all
ordinances.

May appoint a deputy.

Duties of treasurer.

To keep account of receipts and expenditures.

Council may contract for safe keeping of city funds, etc.

Council may prescribe conditions of deposit of city funds.

lished in Bay county, all of the ordinances of the common council, for the violation of which a penalty may be imposed. The recorder may appoint a deputy, for whose acts he shall be responsible, but without cost to the city for the services of such deputy.

SEC. 10. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city, except as in this act otherwise provided, and shall collect all taxes levied or assessed in the city; he shall be *ex officio* treasurer of the board of education and of the board of water-works; he shall each day deposit all moneys paid in for school purposes, in a depository selected by the board of education, and all moneys belonging to the city, except such as are required by law to be in the keeping of some other officer, in the depository or depositories of the city selected and designated by the common council, and shall take his or their vouchers therefor in duplicate, and file one of said vouchers in his office and the other he shall deliver to the [city] comptroller. Said treasurer shall keep an account of all receipts and expenditures of said city, in such manner as the common council shall direct, in proper books of account to be provided by said city, which said books of account shall be the property of said city and constitute part of the public records of said city. The books required to be kept by such depository or depositories shall at all times during the business hours of the day be open to and subject to be inspected by any member or members of the common council, the city treasurer, the comptroller or city attorney. The common council shall have power to contract with any safe and secure banking institution or institutions in said city for the safe keeping of the public moneys belonging to or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law upon such moneys of the city or in its custody deposited with such banking institution or institutions, and to be drawn therefrom on account current by said city through its proper officer or officers, which said interest shall belong to and be credited to the contingent fund of said city. Every contract with a banking institution shall contain an agreement authorizing the common council, whenever it shall deem the interests of the city require it, to terminate such contract and withdraw the money deposited; and in case of such termination the books required to be kept by such depositories shall be delivered into the custody of the city recorder by such depository. The common council of said city by ordinance, resolution or otherwise may make such rules and regulations and prescribe such conditions relative to the letting of such contracts with such depository or depositories, the drawing upon said moneys so deposited and the securities to be given by such depository or depositories, as to the said common council may seem just and for the best interest and security of the said city, not inconsistent with the provisions of this act. The depository or depositories so designated by the common council

shall keep an account in a set of books of all moneys belonging to or in the custody of said city deposited with such depository or depositories, such books to be provided by said city and to belong to said city, and to constitute a part of the public records of said city, and to be by the outgoing depository or depositories delivered to the depository or depositories succeeding to the trust. Such depository or depositories shall report in writing monthly to the common council of said city the amount of the moneys belonging to or in the custody of the city then on deposit with said depository or depositories.

Depositories to make monthly report to council.

SEC. 11. The common council shall have the power to award the deposit of the city moneys, in such quantity or quantities as may be for the best interest of said city, and of all moneys lawfully in the custody of said city, to such safe and secure banking institution or institutions within said city as shall offer the best terms in answer to advertisement for proposals to be published at least five days in the official paper of said city and shall require such depository or depositories to give suitable bonds, in such penalty as the common council may determine, and with such sureties as the common council may approve, before any transfer of such city moneys be made to such depository or depositories. In case no agreement is entered into for depositing the moneys of the city, or in case such agreement is terminated and at any time there shall be no such depository or depositories, the city treasurer shall receive and retain in his hands all moneys belonging to the city and which shall come into his hands, and shall pay the same out upon warrants drawn upon him as provided by law.

Council to award deposits in interest of city.

To advertise for proposals from depositories.

SEC. 12. All moneys drawn from the city depository or depositories for city purposes shall be drawn by warrants designating the depository and signed by the treasurer, in pursuance of a warrant drawn upon the city treasurer, signed by the mayor and recorder and countersigned by the comptroller. All warrants drawn as aforesaid upon the city treasurer shall be drawn in pursuance of an order or resolution of the common council and every such warrant shall specify for what purpose the amount therein is to be paid and out of which particular fund payable, and the comptroller shall keep an account, under appropriate heads, of all expenditures and of all orders and warrants drawn upon the treasurer in suitable books to be kept by him for that purpose, which books shall be furnished by, belong to, and be part of the public records of said city.

Money to be drawn by warrants only.

SEC. 13. The books and accounts of the city treasurer shall be open to the inspection of any elector of said city. The treasurer shall exhibit to the common council at the last regular meeting in the month of March in each year and at such other times as the common council may request, a full and fair account of the receipts and expenditures of the said city, and of the moneys of the said city coming into his hands, by virtue of his office, since the date of the last annual report of the city treasurer, and also the state of the treasury of said city, which account, if found correct, shall be filed in the office of the

Treasurer to exhibit to council annual statement of receipts and expenditures, etc.

recorder. The treasurer shall keep an office, which shall be furnished and provided for him by said city, and he shall devote his whole time to the duties of his said office.

Council may require new bonds from treasurer.

SEC. 14. The common council is hereby authorized to require new or additional bonds or security from the treasurer and from the depositories of the money belonging to the city, at any time or times when they shall deem the interest of the city requires it should be done to protect the city against loss or risk of loss of moneys deposited, or to be deposited with such treasurer or city depositories.

COMPTROLLER.

Comptroller, his power and duties.

SEC. 17. The comptroller shall be a member of the board of assessors of said city, and shall make all State, county, school, city and local tax rolls, and shall have the same power and authority and shall perform the same duties as supervisors of townships, as far as assessments of taxes, making, completing and certifying to rolls, and attaching warrants for collection of taxes thereto are concerned, except as in this act otherwise provided. The comptroller shall be a member of the board of supervisors of Bay county. It shall be the duty of the comptroller to keep the financial accounts of the city; to countersign all bonds, orders on the treasury, and all evidences of [debts] debt and transfers of property which the council is authorized to make, pledging the faith of the city; to examine all accounts and demands against said city, except as herein otherwise provided, and certify to the council as to the correctness of the same, and when payment thereof shall be authorized by the council, to countersign and register the orders drawn therefor by the recorder upon the treasurer; he shall keep in proper books a record of all bonds issued by the city, with the number, amounts and dates thereof, when issued, when payable, and of all coupons attached thereto. The comptroller shall in like manner keep accounts of all funds, taxes, assessments, receipts and expenditures of the city, and at the end of the fiscal year, in the month of March of each year, he shall make out and present to the council a full statement and balance sheet of the financial accounts of the city. He shall sign all contracts and agreements on behalf of the city, except as herein otherwise provided, subject to the orders of the council, and shall make all purchases for the city, or its officers, not otherwise herein provided for, unless otherwise directed by the council. He shall be charged with the leasing, repairs, insurance and general supervision of the city property, not herein otherwise provided for, and for his information may require reports from all officers and persons having any city property in charge or in their possession, and report the same when required by the council. He shall exercise a general supervision over the financial concerns of the city, and keep a complete set of books exhibiting the condition of the city in its various departments and funds, its resources and liabilities, with a proper classifica-

To present to council annual balance sheet.

To sign all contracts on behalf of city.

Shall have general supervision of city finances.

tion thereof, and of each fund or appropriation for a distinct object or class of expenditures. He shall open an account with the treasurer, in which he shall charge the treasurer with the whole amount of taxes, special or general, levied in said city and placed in his hands for collection, all sums received for rents and other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interests and bills receivable by said city of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys, or property placed or being in his possession, and he shall require settlement with such officers at least once a year, and not oftener than once a month. He shall also give the treasurer and all such other officers credit for all money disbursed upon showing proper vouchers. He shall make out and attach warrants to all tax rolls of the city, and shall perform such other duties as are or may be prescribed by this act, or by ordinances of the council not inconsistent herewith. The comptroller shall keep an office, which shall be furnished and provided for him by said city, and he shall devote his whole time to the duties of his said office.

Shall attach warrants to all tax rolls.

POLICE DEPARTMENT.

SEC. 18. The police force of the city shall consist of a chief of police and such number of policemen with pay, and such number of policemen and watchmen without pay as the common council may appoint as in this act provided. Each member of the police force appointed by the common council shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, and file the same with the recorder. After filing such official oath, the chief of police and each policeman so appointed, shall hold his office during good behavior, except as herein otherwise provided, and shall have power to serve any summons, subpoena, warrant, order, notice, paper or process whatever, issued or directed by any justice of the peace, or officer whatever, in the execution of the laws of the State or ordinance of the city, for the prevention of crime, and punishment of offenders in any part of this State. They shall have power to serve process for any violation of the city ordinances and generally shall have and exercise the powers as conservators of the peace which township constables under the general laws of the State possess, but such [policemen] policeman shall have no power to serve any civil process. For the time engaged in active service, each member so engaged shall be paid such sum and at such times as shall be prescribed by the council: *Provided*, That the persons now holding the offices of marshal and policemen of West Bay City shall constitute the police force of said city, and hold their respective offices until the common council shall have appointed members of the police force as herein provided; and they shall perform such duties as are prescribed by this act to be performed by the members of the police force of said

Police force, what it shall consist of, etc.

Shall have same powers as constables, under general law.

Proviso as to present police force.

Police committee.

city. The common council shall annually appoint four of their number members of a police committee; the aldermen thus appointed together with the mayor shall constitute and be known as the police committee of West Bay City; the mayor shall be chairman of said committee, and the recorder clerk thereof.

Power, etc., of police committee.

SEC. 19. Such police committee shall have power to try and determine all complaints against any member of the police force and upon conviction of any member of the police force, by a vote of a majority of the members of such committee, of incompetency, misbehavior, insubordination, neglect of duty or violation of any of the rules or regulations made by the common council for the government of the police department, such member shall be suspended from duty and shall be reported by such committee to the common council,

Provide as to report to council.

together with a report of his conviction: *Provided*, That such report shall be made to the council by said committee at the next regular meeting of the council, after such conviction, and if by a majority vote of the members elect of said common council such conviction be confirmed, such person shall be removed from office and the vacancy thus made may be filled by the common council forthwith; in case such conviction is not confirmed as aforesaid such person shall be reinstated. The mayor or chief of police may suspend any policeman during the pendency of an investigation by the police committee of any charge against any such [policemen] policeman. The common council shall have power at any time to diminish the number of policemen and police officers employed by the city, by dismissing and removing any member of the police force, but no member of the police force shall be removed, except as hereinbefore provided, unless two-thirds of the members elect of the common council shall first vote in favor of such decrease in the number of policemen or officers. Such committee when convened for the purpose mentioned in this section shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and do such other acts as may be lawfully done by any court for the purposes mentioned in this section, and a majority of such committee shall constitute a quorum for the transaction of business.

Council may reduce police force.

May compel attendance of witnesses, etc.

Duty of police committee and police force.

SEC. 20. It shall be the duty of said police committee and of the police force hereby constituted, at all times of the day and night, within the boundaries of West Bay City, to preserve the public peace and prevent crime and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order, to enforce all laws of the State and all ordinances of said city and lawful resolutions of the council to remove nuisances existing in public streets and highways. No member of the police force shall receive or share in, under any pretense whatsoever, any present, fee, gift or emolument for police service other than the regular salary and pay; nor shall any member of said force receive or share in any fee, gift,

Members not to receive presents, etc.

emolument or reward from any person who may become bail for the appearance of any one arrested, accused or convicted of any offense, or who may become surety on appeal from the judgment or decision of any court or magistrate; or any gift, fee or reward from any attorney at law who may prosecute for any offense within the city of West Bay City; nor shall any member, either directly or indirectly, interest himself or interfere in any manner whatever in the employment or retainer of any attorney to aid in the defense; and for any violation of this section the member offending shall be immediately removed from office.

SEC. 21. The council may make and establish rules for the regulation and government of the police force, prescribing and defining the duties of the chief of police, policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredations. And such police committee is hereby authorized, whenever it shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in their judgment the emergencies of the case may require, but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than ten days. The chief of police, subject to the direction of the police committee, shall have the superintendency and direction of the policemen and nightwatchmen, subject to such regulations as may be prescribed by the council.

Council to make rules governing police force.

SEC. 24. The street commissioner shall be superintendent of streets and shall, under the direction of the board of public works, superintend the making, grading, repairing, planking and opening of all streets, lanes, alleys, bridges, sidewalks, drains and sewers within the limits of the city, in such manner as he may from time to time be required, and before entering upon the discharge of his duties, and within ten days from the notice of his appointment, he shall take the oath of office, and give such security for the faithful discharge of his duties as the council shall direct and require, in a sum not less than one thousand dollars. He shall perform such other duties as may from time to time be required of him by ordinance or resolution of the common council or resolution of the board of public works.

Superintendent of streets, etc.

Bond.

SEC. 42. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, subject to the limitations prescribed in this act. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished, after having been determined and fixed as aforesaid, until the next annual determination.

Council to fix salaries of officers.

SEC. 43. Compensation for the services of the city officers shall be paid out of the city treasury in such sums as the com-

How paid.

Proviso as to
limit of salaries.

mon council shall allow: *Provided*, That the [controller] comptroller shall receive not to exceed twelve hundred dollars per annum, besides his pay as a member of the board of supervisors; the recorder not to exceed twelve hundred dollars per annum; the treasurer not to exceed twelve hundred dollars per annum; the city attorney not to exceed six hundred dollars per annum; the harbor master not to exceed one hundred dollars per annum; the street commissioner not to exceed three dollars a day for each day actually employed under the direction of the common council or the board of public works; the mayor and [aldermen] alderman not to exceed one dollar for each meeting of the council which they may attend, but they shall receive no pay for committee work, nor any other compensation or allowance whatever except for services performed as members of the board of review. The justices of the peace and constable shall be allowed the same fees as are allowed by law to corresponding township officers, unless in this act otherwise provided. The other officers appointed by the common council may receive such compensation as the common council may direct.

TITLE XII.

OF STREETS AND PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Arches, bridges,
wells, etc.

Grading, etc., of
streets, etc.

Shade trees.

Stagnant water.

Mode of assess-
ing, levying, etc.,
tax.

Tax to be lien on
property.

Council to super-
vise repairing,
etc., of streets,
etc.

SECTION 1. The common council shall have power to cause arches and bridges, wells and pumps and reservoirs, to be built in any part of the city; to grade, gravel, raise, level, repair, amend, pave or repave, cover with broken or pounded stone, plank, or other material, any street, lane, alley, highway, public grounds, cross-walks or sidewalks, and to provide for the planting and protecting of shade trees along the sides of the streets and public grounds in said city; to cause any lots, blocks or land within said city, on which or any part of which water shall stand and become stagnant, to be raised, filled up or drained, and whenever the common council shall order any of the improvements that are mentioned in this section, then the expense of making any such improvement may be assessed and levied upon the lots, premises and subdivisions thereof which are in front of or adjoining such streets, sidewalks, and other improvements that may be ordered by the common council or upon the lots, blocks, property, or lands, which may be in whole or in part filled up or drained; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, and may provide by ordinance for assessing such tax in the general assessment rolls of the city, which tax shall be and remain a lien upon the land, and if not paid the land may be sold therefor in the same manner as provided for ordinary city taxes.

SEC. 2. The common council shall give directions for the repairing, preserving, improving, cleansing and securing of highways, sidewalks, bridges, lanes, alleys, parks and public

grounds, and shall cause the same to be repaired, cleansed, improved and secured from time to time as may be necessary; and shall regulate the roads, streets, highways, lanes, parks and alleys already laid out in said city, or which may hereafter be laid out, or to alter such of them as they may deem inconvenient, subject to the restrictions contained in this title, and cause such of the streets and highways in said city as shall have been used for six years or more as public highways and streets, and which are not sufficiently described, or have not been duly recorded, to be ascertained, described, named or re-named, and recorded in the office of the recorder of said city, in a book of street records; and the recording of such highways, streets, lanes, alleys or public grounds so ascertained and described, or which shall be hereafter laid out and established by said council, and recorded in the book of street records, in the office of the recorder, by order of the common council, shall be presumptive evidence of the existence of such highway, street, lane, alley or public ground therein described; to divide said city, from time to time, into so many highway districts as they shall deem expedient by an ordinance or resolution entered in their minutes.

Descriptions of streets to be recorded.

SEC. 3. The council may regulate the use of the public highway, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stand for all vehicles kept for hire or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements, banners, awnings, posts and telegraph poles in or over the streets; to prohibit immoderate riding or driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and [gathering] gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets; and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships, and to regulate and establish the line upon which buildings may be erected upon any street,

Council to regulate the use of streets.

To regulate the placing of signs, awnings, etc.
Fast driving.

Regulate sports, etc.

Prohibit animals, etc., from running at large.

To cleanse streets and prohibit nuisances.

Council to have power of highway commissioners.

Street line.

lane or alley in said city, and to compel such buildings to be erected upon such line.

Street improve-
ments may be
assessed upon
property
benefited.

SEC. 4. Whenever the common council shall order any street or any portion thereof to be graded, or graded and paved or repaved, and after the cost and expense thereof has been ascertained, by an estimate to be made by the board of public works, as in this act provided, it shall cause such part of the said expense, as by a vote of a majority of all the aldermen elect, it may by resolution determine to be assessed upon the lots and real estate herein made subject to such assessment as hereinafter provided: *Provided*, That not more than seventy-five per cent of the cost of grading and paving or repaving such portion of the street included within the lines of intersection of any cross streets and alleys shall be assessed upon the lots or parcels of real estate directly fronting upon such street, and the residue of the cost and expense of any such improvement, shall be assessed upon all the taxable property of the city, as in this act provided. In case of every contract for paving, the work to be performed thereunder shall be commenced and completed between the first day of May and the first day of November in each year: *Provided*, That when such paving shall not be completed at such time by reason of inclement weather or other good cause, and from no fault of the contractor, the common council may extend the time for its completion.

Proviso.

When work to be
completed.

Proviso as to
extension of
time.

Local assess-
ment districts,
etc.

SEC. 5. For the purpose of such assessment, the lots and parcels of real estate situated on said street and fronting the portion thereof ordered to be improved shall constitute one local assessment district, unless the common council, with a view to make assessments more equal and just, shall subdivide the same into two or more assessment districts. Such division, if made, must be done before asking bids for the work, and in no case shall a city block be divided in making such division. The work for each local assessment district shall be bid for and let separately, and such bidding and letting shall show:

What bidding
and letting shall
show.

First, The cost of all paving and grading, except that of the intersection of the cross streets and alleys, and the cost of the cross-walks at such intersections;

Second, The cost of grading and paving of such portion of the street included within the lines of intersection of any cross street and alleys;

Third, The cost of cross-walks at such intersections: *Pro-
vided*, That in cases where a side street merely opens upon and does not extend across the street to be paved, the space formed by extending the lines of the former street to the middle of the latter street shall, for the purposes of this act, be treated as the space formed by the intersection of cross streets.

Proviso.

Paving to include
platforms and
curbings.

All necessary platforms and curbings shall, for the purposes of such assessments, be deemed to be included within the term "paving;" such part of the cost and expense of such improvement as the common council may determine according to the provisions and within the limitations of this act, shall be assessed ratably according to the extent of front on the [lots]

lot, parts of lots and parcels of real estate directly fronting on, and within the local assessment district: *Provided*, That if the assessment made on any such lot or other parcel of land shall, by reason of its triangular or other irregular shape, or for any other cause, seem to the common council to be inequitable, said common council may direct a just portion of such assessment to be paid out of the general road fund. The word front, as used in this act, shall be construed to mean that part of the lot or other parcel of land which directly abuts on that part of the street to be improved.

SEC. 6. Whenever in the improvement of a street as aforesaid, any land or real estate which has not been duly platted into city blocks or lots, shall be required to [be] assessed to pay any part of the cost of such improvement, the council shall designate such part or parts thereof for such assessments as shall correspond as near as practicable to the portion of the block or blocks nearest adjacent thereto, subject to like assessment, and the part or parts so designated shall be assessed as near as may be in the manner herein provided for the assessment of lots.

When land is not platted how assessed.

SEC. 7. Whenever the common council shall have determined to make any such improvement according to the provisions of this act, it shall be the duty of the comptroller to make out a list of all lots or parcels of real estate constituting a local assessment district as aforesaid, with the name of the owner of each lot or parcel of real estate, so far as he can ascertain the same, and also the length of front of each lot or parcel of real estate, fronting directly on such improvement, and assess the cost of improvement chargeable as aforesaid upon the property in said list, ratably upon the several lots and parcels of real estate, according to the length of front thereof.

Comptroller to make list of lots in local district, etc.

SEC. 8. Whenever the common council shall determine that the whole or any part of the expenses of constructing any lateral or district sewers or other local improvements, except grading, or grading and paving, or repaving streets, shall be defrayed by an assessment on the [owners] owner or occupants of houses and lands to be benefited thereby, after ascertaining as they may think proper the estimated expense of such improvement, they shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners or occupants according to the provisions and limitations prescribed by law, specifying the sum to be assessed and the portion of the city which they deem to be benefited by such improvement; the costs and expenses of making the estimates, plans and assessments incidental thereto shall be included in the estimated expenses of such improvement. The comptroller shall thereupon make an assessment upon all the owners or occupants of lands and houses within the portion of the city so designated, of the amount of expense in proportion, as nearly as may be, to the benefit and advantage which each shall be deemed to acquire by the making of such improvements, and

In case of construction of sewers, etc.

Comptroller to make assessment roll.

shall make out an assessment roll in which shall be entered the names of persons and the description of the property assessed, and the amount assessed to each person respectively.

In case of non-residents, etc.

SEC. 9. In case any lots or parcels of real estate assessed as provided by this title shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly with a description of such lots or premises, as is required by law in assessment rolls made by supervisors of townships, on non-residents with the amount assessed thereon. The assessment rolls required by this title to be made by the comptroller shall, when completed, be subscribed by him and returned within thirty days to the common council of said city, unless such time be extended by resolution of said common council. Upon any local tax roll being completed and filed with the council as aforesaid the comptroller of the city shall cause a notice to be published in a daily newspaper published in the said city, or in Bay county for at least ten days, giving a general description of the lots or parcels of real estate assessed therein or the portion of the city determined by the common council to be benefited by such improvement, and that the board of review will, at a time and place to be designated in said notice, meet and review such assessment roll.

Notice to be published of meeting of board of review, etc.

Board to hear complaints, etc.

SEC. 10. At the day appointed for the review of any such assessment roll, and such other days as the hearing shall be adjourned to, the board of review of assessments shall hear the allegations and proofs of all persons who may complain of such assessment, and may rectify and amend the said assessment list in whole or in part, or may set the same aside and direct a new assessment, either by the same person or by such other person as the common council shall appoint for that purpose; and in such case the same proceedings shall be had as are herein provided upon the first order of the assessment; or the said board of review may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper. The said board of review shall continue in session at least one day, and for such longer time as they may deem necessary. After said board of review shall have reviewed and approved said assessment roll as hereinafter provided the comptroller shall indorse thereon the words "Local tax roll (for paving Midland street from ----- street to ----- street, or for Linn street lateral sewer from ----- street to ----- street or), as the case may [be], as approved by the board of review," affixing time of approval.

Length of sessions, etc.

Indorsement by comptroller.

"A. B., Comptroller."

Roll to be prima facie evidence of regularity.

Any such roll when so indorsed shall be *prima facie* evidence in all courts and tribunals of the regularity of all [proceedings] proceeding preliminary to the making thereof, and of the validity of said tax and tax roll.

Comptroller to make local tax roll.

SEC. 11. Whenever any local tax roll, except local tax rolls for the construction of lateral sewers or for the grading, or grading and paving, or repaving streets, shall be approved, as aforesaid, the comptroller shall make out a copy of such local

tax roll and deliver the same to the treasurer, to whom any person or party in interest may pay such tax or assessment at any time before it is put into the general city tax roll, as provided hereinafter, by paying to the treasurer the amount of tax so assessed against him or upon his property, together with interest at the rate of one per cent per month, or fraction of a month the same to be added and computed from the day of the month on which said roll was delivered to the treasurer to the date of payment. Such local tax roll shall be returned to the comptroller on the third Monday of June next following who shall proceed to add the interest accrued as above, at the rate of one per cent per month or fraction of a month, and shall assess the said taxes and interest against the same descriptions and property in the city tax roll, as provided in section seven of title thirteen of this act; and such taxes and interest shall then be levied, collected, and returned, and the said premises may be sold for the non-payment thereof, as provided by law for the non-payment of other taxes.

SEC. 12. To meet the expenses of the construction of lateral sewers in said city, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may, by resolution, authorize and direct the mayor, comptroller and recorder of said city to borrow a sum not exceeding ten thousand dollars in one year for such purpose, and to issue bonds of the city therefor, bearing interest at a rate not exceeding seven per cent per annum, payable semi-annually: *Provided*, That the total amount of bonds which the common council is authorized to issue for this purpose shall not exceed twenty-five thousand dollars outstanding at any time. Of the amount of bonds which may be issued in any one year, one-fifth shall be made payable in one year, one-fifth in two years, one-fifth in three years, one-fifth in four years and one-fifth in five years from the date of issue. Such bonds shall be indorsed "local sewer bonds," and shall be numbered consecutively, and shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer, and by him placed to the credit of the proper sewer fund. All said bonds shall be paid at maturity, and the common council shall not have power to authorize the reissue of the same bonds, nor issue bonds to take up said original bonds.

Power to borrow money in anticipation of tax.

Provide as to limit of loan.

Bonds when payable.

Bonds to be paid at maturity.

SEC. 13. All the provisions of the charter relative to ascertaining and assessing the cost and expense of lateral sewers shall be applicable to the ascertainment of the cost of lateral sewers paid for by the proceeds of local sewer bonds, and the assessment of said cost upon the property benefited thereby. Every such assessment roll, when ratified and confirmed by the board of review, shall be final and conclusive, and when such assessment roll shall have been reviewed, corrected and confirmed by the board of review, it shall be certified to by the comptroller, whereupon the comptroller shall make a complete copy thereof, and deliver the same to the treasurer, to whom any person or party in interest may pay such unpaid tax or assess-

What provisions of charter to apply, etc.

Assessment final, etc.

ment or any part thereof, at any time before it is put into the general city tax roll as hereinafter provided, by paying to the treasurer the amount of tax assessed against him or upon his property, together with interest at the rate of one-half of one per cent per month, or fraction of a month, the same to be added and computed from the day of the month on which said roll was delivered to the treasurer to the date of payment: *Provided*, That if payment is made after the first installment of such assessment is transferred to the city tax roll as herein provided then the interest shall be computed at the rate of one-half of one per cent per month on that portion of such assessment remaining upon said local tax roll from the time of the last annual computation of interest to the date of payment.

Proviso.

Treasurer to
report unpaid
taxes, etc.

SEC. 14. The treasurer, on the third Monday in June next following shall report and return all such local tax rolls and the assessments remaining unpaid thereon, to the comptroller; the comptroller shall then divide all such assessments into five equal parts and assess a sum equal to one of said parts, together with the interest accrued on the whole of such assessments at the rate of one-half of one per cent per month, or fraction of a month, from the day of the month said roll was delivered to the treasurer against the same descriptions and property in the city tax roll in the lateral sewer tax column thereof; the comptroller shall mark on such local tax roll the amount so transferred to the city tax roll opposite to each assessment in a column headed "amount transferred to city tax roll" with the date of such transfer; the comptroller shall thereupon return such local tax roll to the treasurer. Annually thereafter on the third Monday in June until the full amount of such assessment is paid or transferred to the city tax roll, the treasurer shall report and return such local tax roll and the assessments remaining unpaid and not transferred to the city tax roll to the comptroller, and the comptroller shall compute the interest accrued at the rate of one-half of one per cent per month, upon that portion of such assessments as remains unpaid and not transferred to the city tax roll, from the date of the last annual computation of interest, and shall assess such accrued interest together with one of said one-fifth parts of the whole of such original assessments against the same descriptions and property in the annual tax roll in the lateral sewer tax column thereof. Each of such assessments in and transfers to the city tax roll shall be entered in the local tax roll in the manner herein provided for entering said first transfer. The comptroller shall each year as soon as the transfers to the city tax roll are made as herein provided, return such local tax rolls to the treasurer who shall have authority to collect the parts of such assessments remaining upon said local tax roll as provided in section thirteen.

Treasurer to
report unpaid
taxes annually
etc.

Comptroller to
return local tax
roll to treasurer.

Council may
borrow money in
anticipation of
taxes.

SEC. 15. To meet the cost and expense of improving the streets in said city by paving, or grading and paving, or repaving, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof after such expense and

cost has been ascertained by estimate as herein provided. The common council shall cause to be issued the bonds of the city for an amount equal to the whole estimated cost and expense of such improvement or improvements and pledge the faith and credit of the city for the payment of the principal and interest of said bonds: *Provided*, That the total amount of bonds which the common council is thus authorized and directed to cause to be issued shall not exceed seventy-five thousand dollars outstanding at any time.

Shall issue bonds therefor.

Proviso as to limit of amount.

SEC. 16. Said bonds shall be denominated "street improvement bonds." One-tenth thereof shall be payable in one year, one-tenth in two years, one-tenth in three years, one-tenth in four years, one-tenth in five years, one-tenth in six years, one-tenth in seven years, one-tenth in eight years, one-tenth in nine years, and one-tenth in ten years from the date of their issue, they shall bear interest at a rate not exceeding six per cent per annum, payable semi-annually and shall be for a sum not less than one hundred dollars each, and shall have attached thereto interest coupons. They shall be regularly dated and numbered in the order of their issue and shall be issued under the seal of the corporation, signed by the mayor and recorder and countersigned by the comptroller. The common council shall direct the manner in which they shall be sold and the proceeds thereof shall be placed to the credit of the general road fund. The comptroller shall keep an accurate record of such bonds, the number, date and amount of each, and the person to whom payable.

Bonds, when payable, etc.

SEC. 17. All the provisions of the charter relative to ascertaining and assessing the cost of grading, or grading and paving, or repaving streets shall be applicable to the ascertainment of the cost of such street improvements paid for by the proceeds of street improvement bonds and the assessment of said cost upon the property benefited thereby. Every such assessment roll, when ratified and confirmed by the board of review, shall be final and conclusive, and when such assessment shall have been corrected, reviewed and confirmed by the board of review, it shall be certified to by the comptroller. The comptroller shall then make a complete copy thereof and deliver the same to the treasurer to whom any person or party in interest may pay such tax or assessment or any part thereof at any time before it is put into the general city tax roll, as hereinafter provided, by paying to the treasurer the amount of tax against him or upon his property remaining upon such local tax roll together with interest at the rate of one-half of one per cent per month or fraction of a month the same to be added and computed from the day of the month on which said roll was delivered to the treasurer to the date of payment: *Provided*, That if payment is made after the first installment of such assessment is transferred to the city tax roll as herein provided then the interest shall be computed at the rate of one-half of one per cent per month on that portion of such assessment remaining upon said local tax roll from the time of the last annual computation of interest to the date of payment.

What provisions of charter to apply.

Assessment roll to be final, etc.

Proviso.

Treasurer to
report and
return unpaid
taxes, etc.

SEC. 18. The treasurer on the third Monday in June next following shall report and return all such local tax rolls and the assessments remaining unpaid thereon to the comptroller; the comptroller shall then divide all such assessments into ten equal parts and assess a sum equal to one of said parts together with the interest accrued on the whole of such assessments at the rate of one-half of one per cent per month from the date of the month said roll was delivered to the treasurer against the same descriptions and property in the city tax roll in the street improvement tax column thereof; the comptroller shall mark on said local tax roll the amount so transferred to the city tax roll opposite to each assessment in a column headed "amount transferred to city tax roll" with the date of such transfer; the comptroller shall thereupon return such local tax roll to the treasurer. Annually thereafter on the third Monday in June [until] the full amount of such assessments is paid or transferred to the city tax roll the treasurer shall report and return such local tax roll and the assessments remaining unpaid and not transferred to the city tax roll, to the comptroller and the comptroller shall compute the interest accrued at the rate of one-half of one per cent per month upon that portion of such assessments as remain unpaid and not transferred to the city tax roll from the date of the last annual computation of interest, and shall assess such accrued interest together with one of said one-tenth parts of the whole of such original assessments against the same descriptions and property in the annual city tax roll in the street improvement tax column thereof. Each of such assessments in and transfers to the city tax roll shall be entered in the local tax roll in the manner above provided for entering said first transfer; the comptroller shall each year as soon as the transfers to the city tax roll are made as herein provided, return such local tax roll to the treasurer, who shall have authority to collect the parts of such assessments remaining upon said local tax roll as provided in section seventeen.

To make annual
reports, etc.

Special assess-
ment to be a
lien, etc.

SEC. 19. Any special assessment made in accordance with the provisions of this act, and each installment thereof and the interest thereto added in the manner aforesaid, when placed upon the general city tax roll as aforesaid, shall be and continue to be a lien upon the lots, blocks, and premises upon which assessments were originally made, and shall be deemed duly assessed and levied upon such general city tax roll, and shall be a personal charge against the owners thereof respectively, from the time the same are assessed as aforesaid in the city tax roll, and they shall draw interest, be dealt with, returned, and the collection thereof enforced, in the [same] manner as other taxes levied on such general city tax roll, and land returned delinquent therefor proceeded against and sold, in the same manner and with the same effect as lands on such roll returned delinquent for other taxes are proceeded against and sold.

Sinking fund.

SEC. 20. The common council shall by ordinance provide that a sinking fund shall be created, into which sinking fund shall be paid from time to time as collected the proceeds of the assessments, both general and special, for street improvement

and for lateral sewers in such manner that said bonds shall be paid at maturity out of the proceeds of such assessments.

SEC. 21. If upon the completion of any improvement for which an assessment shall have been made, it shall appear that a greater amount has been assessed and collected than is necessary to defray the expenses thereof, the common council shall apportion such excess among the persons owning the property, assessed in proportion to the amount collected of each description of such property, and shall pay the same to the person or persons who paid such excess, on demand. If it shall appear that a greater sum of money has been expended in the completion of such improvement than was estimated as aforesaid, the common council may direct the assessment of the deficiency on the owners and occupants of houses and lands benefited by such improvements in the same manner as herein above directed, and the same proceedings in all respects shall be had thereon, as in the original assessment. Whenever any special assessment to defray the expense of any improvement shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside; and when any such special assessment shall be so vacated, or shall be held invalid, by the judgment or decree of any court of competent jurisdiction, said council may from time to time, until a valid assessment is made, cause a new assessment to be made for the purpose for which the original assessment was made, and in the manner provided for making the original assessment; and whenever the tax or any part thereof assessed upon any lot or parcel of real estate by the original assessment, is set aside or held invalid as aforesaid, has been paid, and shall not have been refunded, it shall be the duty of the treasurer to apply said payment upon the re-assessment on said lot or parcel of real estate and to make a minute thereof upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied, after which no part of the amount paid on the original assessment shall be refunded unless the amount paid as aforesaid exceeds the amount of the re-assessment, in which case the excess shall be refunded, and the person who paid the same shall be the person entitled to the amount to be refunded.

In case of excess.

In case of deficiency.

When assessment is invalid, etc.

SEC. 22. The common council is authorized to assess the lands of non-residents and unoccupied lands of said city their just proportion of the [expenses] expense of all improvements in said city in the same manner, and the amounts so assessed may be collected in the same manner as assessments for improvements on other lands, designating them as non-resident lands. It shall in all cases be the duty of the owner of every lot or parcel of land in said city, to keep the sidewalk adjoining his lot or piece of land in good repair, and also to remove and clear away all snow and ice and other obstructions from such sidewalks, and it shall be his duty to build sidewalks in front or adjoining his premises. If any owner, after notice so to do shall have been posted on the premises, or otherwise given,

Authority to assess lands of non-residents, etc.

Owners to keep walk in repair, clean, etc.

In case of failure, etc., to do so, etc.

served or published, as the common council may direct by ordinance, resolution, or otherwise, shall fail or neglect so to do for such time, not less than twenty-four hours, as the common council, by a general or special ordinance, resolution, or otherwise, may fix, the common council may cause the same to be done at the expense of the highway district in which such property is located, and may add such expense to the amount of the general highway tax on such land in the next general assessment roll of said city, and such amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid or collected, the land sold therefor, in the same manner as for general city taxes. All sidewalks built shall be made of the material and be constructed in the manner and of the width as the common council shall by ordinance or resolution direct.

TITLE XIII.

ASSESSMENT AND COLLECTION OF TAXES.

Provisions of
general law to
apply.

SECTION 1. The provisions of the general tax law of the State of Michigan, being entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," approved June twenty-seven, one thousand eight hundred and eighty-nine, being act number one hundred and ninety-five of the session laws of one thousand eight hundred and eighty-nine, and all other provisions of the general statutes of the State upon the subject of taxation as they now exist, or may hereafter exist, shall apply to and govern in the assessment and collection of the general taxes in said city, and in the return and sale of property delinquent therefor, except as herein otherwise provided, shall also apply and govern in respect to the powers, duties and liabilities of officers and the rights, duties and liabilities of persons and property touching and concerning such taxes, and shall have the same force and effect in said city as in the several townships of this State, so far as the same may be applicable, except as herein otherwise provided.

Board of
assessors, duty of,
etc.

SEC. 2. The two assessors appointed by the council as provided in this act, together with the city comptroller, shall constitute and be known as the board of city assessors and the said board shall perform such duties as is prescribed by this act. The board of assessors shall in each year in the manner provided by the general tax laws of this State, assess at its true cash value all the real and personal property subject to taxation, within the limits of the city. A majority of said board shall constitute a quorum for the transaction of business; the concurrence of a majority shall be necessary to carry any question. No member shall act upon any question, fixing the value of property in which he is interested as owner or part owner. The comptroller shall be secretary of said board and the said board shall choose one of their own members president. Said board shall before the time fixed for the first meeting of the

board of review in each year make out and complete the annual assessment roll. The board of assessors shall possess all the powers, discharge all the duties and be subject to all the liabilities in, for, and to the city, that are conferred and imposed upon supervisors of townships by the provisions of the acts mentioned and referred to in section one of this title in relation to the assessment and taxation of persons and property, so far as the same may be applicable except as herein otherwise provided.

SEC. 3. The members of the board of assessors, mayor and senior alderman of each ward shall constitute a board of review of assessments; the mayor shall be chairman of said board. On the third Monday in June said board shall meet at the council chamber in said city, and there proceed to review and correct the annual assessments made by the comptroller of the city, as aforesaid, and for that purpose said board shall have the same powers and perform the same duties in all respects, except attaching warrants, as supervisors of townships have in reviewing and correcting the assessments made by them. Said board of review shall continue in session during the entire week for the purpose of completing such review, and during the first day of their session they shall correct any errors they may find in the assessment roll, and equalize, alter, amend and correct any assessment or valuation, and place upon said roll any taxable property, real or personal, not already assessed, held or owned by any person or persons, and strike from said roll any property wrongfully thereon; then during the next four succeeding days any person interested may be present and make appeals and be heard, and on sufficient cause shown by any person, said board may alter, amend and correct any assessment or valuation, and they shall, during said four days, have power to equalize, alter, amend and correct any assessment or valuation the same as on the first day of the review; and on the succeeding Saturday the board shall correct any errors that remain in the names of owners or in the description of property or any other technical or ministerial errors and do whatever else may be necessary to make said roll comply with the provisions of this act. Notice of the time and place of meeting of said board for the purpose aforesaid shall be given by the comptroller by publication in a newspaper published in said city, or in Bay county, at least one week before the time for the review.

SEC. 10. Upon all taxes paid on or before the expiration of thirty days from the first Monday in August in each year one per cent will be added and collected by the treasurer for collecting expenses. Upon all taxes paid after that time four per cent will be added and collected by said treasurer for collecting expenses. The treasurer shall collect interest upon all taxes paid after the expiration of said thirty days, to be computed at the rate of one per cent per month for each month or fraction of a month. Such interest and collecting expenses shall become a part of said tax, and such tax, collecting expenses

Board of review.

Meeting of.

Board to continue in session a week.

Notice of meeting.

Collection fee.

Interest.

Return of roll to treasurer.	and interest shall be collected by said treasurer in the same manner and at the same time. Within ten days after [the] return day mentioned in said warrant the said treasurer shall return said city roll to the comptroller. All taxes collected as city taxes shall be applied to fill the city fund and taxes assessed and collected as highway taxes in each highway district shall be applied to fill the highway fund of that district, and all other taxes shall be applied to the funds and purposes for which they are levied. All moneys collected as collecting expenses according to the provisions of this title shall be entered by the treasurer upon the collection book provided for in section thirteen of this title, and when collected shall be placed to the credit of the city contingent fund.
Taxes, how applied.	
Taxes returned one per cent per month shall be added.	SEC. 12. If any tax assessed upon the city tax roll against any person or upon any property, real or personal, shall remain unpaid, at the time of the return of such tax roll to the comptroller, the comptroller shall enter and assess the amount of said taxes with the interest accrued thereon computed at the rate of one per cent per month, for each month or fraction of a month, added thereto upon said "county tax roll" opposite to and against the same person and property. The different taxes to be assessed upon said "county tax roll" shall be entered in the different columns as follows: The State tax in a column headed "State tax," county tax in a column headed "county tax," bridge tax in a column headed "bridge tax," stone road tax in a column headed "stone road tax," district sewer tax in a column headed "district sewer tax," lateral sewers, and street improvement tax in a column headed "city special improvement tax," and all other city taxes in a column headed "general city taxes."
State, county and bridge taxes.	
School and other funds.	SEC. 17. The moneys collected by the treasurer upon the county tax roll as school taxes, shall be applied to fill the school fund, the moneys collected as district sewer tax, shall be applied to fill the district sewer fund; the moneys collected as city special improvement tax shall be applied to fill the sinking fund as provided in section twenty of title XII, the other city taxes collected shall be applied ratably to fill the contingent and highway and other city funds.
Moneys, how drawn.	SEC. 20. All moneys drawn from the treasurer except school funds shall be drawn in pursuance of an order of the common council, by warrant signed by the mayor and recorder and countersigned by the comptroller. Such warrant shall specify for what purpose the amount therein named is to be paid, and the recorder shall keep an accurate account of all warrants made by him. The treasurer shall keep an accurate account of and report to the comptroller on the first of each month a detailed statement of all taxes and interest collected and moneys received and disbursed. All warrants paid by the treasurer shall at all times be subject to the inspection of the comptroller who shall give the treasurer credit for moneys disbursed. The comptroller shall render statements of the accounts of the city appearing upon his books, whenever required by the council.
Treasurer to keep account of taxes collected.	
Warrants, inspection of by comptroller.	

SEC. 21. The comptroller at the time of delivering any tax roll to the treasurer shall charge the amount of taxes assessed thereon to the treasurer, and when such roll shall be returned the treasurer shall be credited with the amount of tax remaining delinquent. The interest collected by the treasurer shall be credited by the comptroller ratably to all the funds mentioned in the warrants annexed. At the time of the return of the county roll to the county treasurer the comptroller shall charge said county treasurer the amounts of said return roll. At the time of any settlement between the city treasurer and county treasurer, said county treasurer, on paying over any sums due West Bay City, shall furnish a full statement to the comptroller and treasurer of the amounts of such taxes and interest collected and paid over giving each fund separate.

Amount of tax to be charged to treasurer.

Interest to be audited ratably, etc.

TITLE XIV.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by tax, shall be divided into the following general funds:

General funds.

First, Contingent fund, to defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;

Contingent.

Second, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

Fire department.

Third, Water fund, for constructing reservoirs and cisterns and for providing other supplies of water, for constructing and maintaining water-works and extending water pipes;

Water.

Fourth, Public building fund, for providing parks and public buildings, for the purchasing of lands therefor, and for the erecting, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;

Public building, etc.

Fifth, Police fund, for the maintenance of the police department of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

Police.

Sixth, Cemetery fund;

Cemetery.

Seventh, Interest and sinking fund, for the payment of the public debt of the city, and the interest thereon;

Interest, etc.

Eighth, General sewer fund;

Sewer.

Ninth, General road fund, to defray the expenses of paving, curbing, graveling, grading and [paving] paying and repaving, and repairing paved streets, to which fund shall be credited the proceeds of the sale of the street improvement bonds, provided for in this act;

Road.

Tenth, Such other funds as the common council may, from time to time, constitute.

Other funds.

SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

Special funds.

District street fund.

First, A highway district street fund, for each highway district, to defray the expenses of opening, widening, extending, and altering streets, alleys, and planking the intersections of public streets and alleys, and repairing the same, for grading, improving, repairing and working upon the streets therein, for cleaning public streets, alleys, and grounds, and for the payment of all street expenses which the common council may charge upon any highway district, and for the construction and repair of cross-walks;

District sewer fund.

Second, A district sewer fund, to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water-courses within the respective sewer districts;

Special assessment funds.

Third, Special assessment funds, any money raised by special assessment, levied in any special assessment district or special sewer district, to defray the expenses of any work, paving, improvement, or repair, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

Annual appropriation bill.

SEC. 12. It shall be the duty of the common council on the first Monday in May of each year, or as soon thereafter as practicable, to determine by resolution to be termed the annual appropriation bill, the amount necessary to be raised by tax for the following general purposes in said city, viz.: For contingent expenses, fire department, water-works, police and general sewer fund, the erection of public buildings or parks and the purchase of lands therefor; general road fund, to defray the expense of repairing paved streets, cemetery fund, interest and sinking fund for paying any liabilities which may have been incurred by said city. The common council may raise by tax to be levied upon the real and personal property within said city, such amounts so determined, not exceeding one and one-half per cent on the dollar, exclusive of interest on the bonded debt of the city and fire department taxes, on the assessed valuation of such real and personal estate, within the limits of the city, according to the valuation thereof taken from the assessment roll of that year, which amounts determined as aforesaid, shall be entered at large on the records; and the common council shall in addition thereto levy such sum not exceeding one-half of one per cent of the said assessed value of the taxable property of the city as they may deem necessary to pay that portion of the special improvement bonds authorized to be issued under the provisions of this act, maturing within the year, the payment of which is not otherwise provided for; and the common council, in addition to the other amounts herein authorized to be raised shall levy such sums not exceeding one per cent on the assessed valuation of the taxable property of any highway district for highway purposes. All highway taxes, except as herein otherwise provided, shall be credited to and expended in the highway district in which they may be collected.

Limit of taxation.

TITLE XV.

SEC. 5. The common council may procure, own, build, erect, and keep in repair such and so many fire-engines, with their hose and other apparatus, engine houses, ladders, fire hooks, and fire buckets and other implements and conveniences for the extinguishment of fires, and to prevent injuries by fire, and such and so many public cisterns, wells, and reservoirs of water as they from time to time shall judge necessary, and may maintain, establish and regulate all such fire-engine, hook and ladder, hose and bucket companies as may be expedient; and it shall be the duty of every such company to keep the fire-engine, hose, hook and ladders and other instruments and implements in its charge, in good and perfect repair; and it shall be the duty of each fire company to assemble as often as may be directed by the chief engineer, for the purpose of working and examining the fire-engine and other implements in its charge, with a view of keeping the same in perfect order and repair; and upon any alarm and breaking out of any fire in said city, each fire company shall assemble at the place of such fire with the engines and other implements of the company, as required by the rules and regulations made for the government of the fire department, and when so assembled shall be subject to the orders of the chief engineer, or other person for the time being lawfully acting as chief engineer of the fire department.

Fire-engines,
etc.Fire companies,
etc.Meetings of fire
companies.

SEC. 6. The common council on the second Monday in April, A. D. eighteen hundred ninety-one, or as soon thereafter as may be, and from time to time thereafter, shall have power to appoint a chief of the fire department and one or more drivers, pipemen, firemen and such other officers as may be necessary for the efficient working of the fire department and the officers so appointed shall be retained as such during good behavior, competency and efficiency in the performance of their respective duties except as herein otherwise provided; the persons so appointed shall constitute the fire department of West Bay City; the chief of the fire department, subject to the approval of the common council, may prescribe all necessary and reasonable rules and regulations not inconsistent with the provisions of this act, or any act of the Legislature or any of the ordinances of the city of West Bay City for the government of the fire department and the discipline of its members. The common council shall annually appoint four of their own number, members of a fire department committee and the [aldermen] alderman thus appointed together with the mayor, shall constitute and be known as the "fire department committee" of West Bay City; the mayor shall be chairman of such committee and the recorder clerk thereof; such committee shall have power to try and determine all complaints against any member of the fire department, and upon conviction of any member by a vote of a majority the

Council to
appoint chief of
fire department.May appoint
other necessary
officers.Fire department
committee,
powers of, etc.

- Proviso.** members of such committee of incompetency, misbehavior, insubordination, neglect of duty or violation of any of the ordinances of said city or any of the rules or regulations made for the government of the fire department, such member shall be suspended from duty and shall be reported by such committee to the common council together with a report of his conviction: *Provided*, That such report shall be made to the council by said committee at the next regular meeting of the council, after such conviction; and if by a majority vote of the members elect of said common council such conviction be confirmed, such person shall be removed from office and the vacancy thus made may be filled by the common council forthwith; in case such conviction is not confirmed as aforesaid such person shall be re-instated. The mayor or chief of the department may suspend any member of the fire department during the pendency of an investigation by such committee of any charge against such member. The common council shall have [the] power at any time to diminish the number of persons employed by the city in the fire department, by dismissing and removing any of its members, but no member of the fire department shall be removed, except as hereinbefore provided unless two-thirds of the members of the common council shall first vote in favor of such decrease in the number of members of such department.
- Suspension of member.**
- Power to compel attendance of witnesses, etc.** SEC. 7. The fire department committee, when convened for the purposes mentioned in the preceding section, shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony and do such other acts as may be lawfully done by any court, for the purposes mentioned in section six of this title, and a majority of such committee shall constitute a quorum for the transaction of business. The chief engineer, chief of police and any member of the fire department committee may require the assistance of all by-standers in extinguishing any fire in said city, and in the removal, preservation, and protection of any property endangered thereby; and in case any by-stander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said city; and the common council are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.
- Assistance of by-standers at fires.**

[TITLE XVI.]

- Board of education to canvass votes, etc.** SEC. 6. On the next Wednesday after any trustee election, the board of education shall convene at their usual place of meeting, at which time and place the statement aforesaid shall be produced by the secretary of said board, and said board shall thereupon proceed to determine from said statement who were elected to the office of school trustee in and for the several wards of the city at such trustee election. The person
- Shall determine who is elected.**

who shall receive in any ward the highest number of votes for such office shall be deemed to have been elected school trustee in and for such ward, and if two or more persons in any ward shall receive an equal number of votes, they shall cast lots, as provided in section thirteen of title three of this act. When such statement shall be canvassed as aforesaid, said board of education shall declare therefrom who were elected to the office of school [trustees] trustee in and for the several wards of said city at such election, and within two days thereafter the secretary of said board of education shall notify each person [so] declared to be elected of his election. Every person elected to the office of school trustee, under the provisions of this act shall, within five days after the receipt of notice thereof, qualify in the manner aforesaid, and enter upon the duties of his office forthwith, except as in this act otherwise provided, and shall hold office until his successor is elected and qualified.

Shall cast lots in case of a tie.

Secretary to notify person elected.

SEC. 12. Said board shall have power, and it shall be their duty annually, on or before the first Monday in October in each year, to determine by a majority vote of all the members thereof, which said vote shall be entered in the records of their proceedings, the amount of money necessary to be raised by tax on the property of said district to defray the expenses of the schools of said district for the current year, and the amount of money necessary to pay the interest and principal of any debt due in each year for such district, also the amount of money necessary to purchase sites for school buildings, and to build [or] and repair any school-house in said district, and certify the same to the comptroller of West Bay City, and the comptroller shall cause the said amounts of money, so voted, to be assessed upon the taxable property of said city in the next general [county] tax roll; the comptroller shall have the same power and discharge the same duties as to the assessment of said school taxes that are or may be conferred or imposed by law upon him in relation to the general taxes of West Bay City: *Provided*, That the amount which may be raised by tax in any one year for the expense of schools of said district, exclusive of such sums of money as may be required to pay the principal and interest of the bonded debt of said district, shall not exceed the sum of two per cent on the assessed valuation of said district according to the last preceding assessment roll of the city.

Estimate of expenditures, etc.

Proviso as to limit of school tax.

SEC. 13. Said board of education shall in each year, by a majority vote of all the members elect appoint a superintendent of schools. The treasurer of said city shall be treasurer of said board and shall keep all moneys belonging to said district separate from all other moneys in his possession, and shall not pay out or expend any part of such money without the authority of said board. The treasurer shall, before receiving any of the money of said district, give bond to said district in a penalty to be fixed by the board in double the amount of money that is likely to come into

Board to elect superintendent.

Treasurer of city to be treasurer of board.

Treasurer to give bond.

his hands belonging to said district, with two or more sufficient sureties to be approved by said board, conditioned for the faithful performance of his duties as such treasurer and the proper care and application of all school funds which shall come into his hands as such treasurer. Said board of education may at any time and from time to time require the said city treasurer to execute a new or additional bond upon like conditions, in such penalty and signed by such sureties as shall be satisfactory to the said board. The board of education shall have the same power in relation to deposits of the school funds and moneys belonging to or in the custody of the board of education, and the making of contracts in relation thereto, as is conferred by the provisions of this act upon the common council in relation to the safe keeping of the public moneys belonging to or in the custody of the city, and for the collection of interest thereon, and the withdrawal thereof on account current or otherwise by said board of education, through its proper officers; the authority conferred by this act upon the common council and the city officers in relation to moneys belonging to or in the custody of the city, is hereby conferred upon said board of education and the officers thereof, in relation to school moneys belonging to or in the custody of the board of education, and when by the provisions of this act, the mayor, city treasurer and city recorder or either of them are required to perform any act or duty in relation to city moneys, the president, treasurer, and clerk of said board shall have the power and it shall be their duty to perform such act or duty in relation to school funds or moneys belonging to or in the custody of said board of education, except as in this act otherwise provided. All moneys drawn from any depository with which the board of education may have contracted for the safe keeping of the school moneys shall be drawn by warrant signed by the treasurer of said board in pursuance of a warrant drawn upon said treasurer signed by the secretary and countersigned by the president of the board of education. All warrants drawn upon said treasurer as aforesaid shall be drawn in pursuance of an order or resolution of the board of education and shall specify the purpose for which the amount is to be paid; the secretary of said board shall keep an account under appropriate heads of all expenditures and of all orders and warrants drawn upon the treasurer in suitable books to be kept by him for that purpose which shall be furnished by, belong to and be part of the public records of said board. In the warrant required by law to be annexed by the comptroller to the tax roll upon which school taxes are assessed, said treasurer shall be commanded and it shall be his duty to levy and collect the school taxes in the same way and at the same time as general city taxes. Said treasurer shall have and possess all the powers requisite to enforce the collection of said taxes which are given him by the laws of the State for the collection

Board may require new bonds.

Power of board in relation to deposits, etc.

How moneys drawn.

Power of treasurer as to collection of taxes, etc.

of other taxes. But said treasurer shall not receive in payment of said taxes any liability or evidence of debt against said city. The taxes remaining delinquent upon said roll after the time allowed for the collection of the same, shall be in all respects returned, managed, treated, collected and enforced in the same way and manner as is provided by law for the return, collection and enforcement of the general city taxes of said city, and the provisions of the general tax laws of this State and of the charter of West Bay City shall apply to and govern in the proceedings relative to the assessment, collection, enforcement and return of such school taxes, so far as the same may be applicable except as in this act otherwise provided.

SEC. 14. Said board shall be the board of school inspectors for the city of West Bay City, and as such shall report to the clerk of the county of Bay. No school inspector shall hereafter be elected within said city. All teachers employed by said board of education shall first be inspected by a committee of said board and the superintendent, and, if found qualified, shall receive a certificate in the form prescribed by said board, which certificate shall entitle the recipient to teach in any of the schools of the said district. Said board shall cause a census to be taken annually of all the children between the ages of five [any] and twenty years residing in the district, within the time and in the manner required by law, and report the same and make and transmit all other necessary reports to the proper officers, as designated by law. For the purpose of the distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township. Any officer appointed by said board, may be removed from office for incompetency or breach of duty, by a concurring vote of a majority of the members elect of said board and the vacancy thus created may be filled by said board for the remainder of the unexpired term of such officer.

Board of school inspectors, etc.

Census.

Removal of appointees by board.

SEC. 18. The board of education may from time to time, on such terms as they may deem proper, borrow money for temporary school purposes, not to exceed in all six thousand dollars in any one year in anticipation of the collection of taxes to be collected for school purposes that year, which amount shall be paid from the first school taxes collected.

Authority to borrow money, etc.
Limit of amount.

SEC. 19. It shall not be lawful for the board of education except as herein otherwise provided, to borrow any money or authorize the creation of any additional liability or indebtedness unless such liability or indebtedness shall have been authorized by a vote of a majority of those electors of said district, who are qualified to vote under the general school laws of this State, voting in their respective wards at a special election called for that purpose; and such electors shall be notified of any proposition to be thus submitted to them, by the secretary of the board of education, publishing a notice in pursuance of an order or resolution of said board, of the inten-

Additional loan must be authorized by electors.

Special meeting.

Notice must be published and posted.

tion to thus submit such a proposition, in a newspaper published in said city, or in Bay county, and posting three copies of said notice in each of the said wards of said city at least ten days before such meeting. Said notice shall specify with particularity the amount proposed to be raised, and purpose for which it is proposed to raise money by incurring such liability or indebtedness. When any loan shall be authorized as aforesaid, the mayor, recorder and comptroller shall issue the bonds of the city for the amounts to be raised and drawing such rate of interest, not exceeding six per cent per annum, as the board of education shall have determined, which bonds shall be deposited with the treasurer of said board of education and shall not be valid until countersigned by the president and secretary of said board of education: *Provided*, That no bonds issued under this act shall be sold at less than par.

TITLE XVIII.

BOARD OF PUBLIC WORKS.

Board of
public works.

Provide as to
present board.

To organize
annually.

Power and duty
of board, etc.

SECTION 1. The board of public works of the city of West Bay City shall consist of five electors of said city, who shall be appointed by the common council; the members of said board hereafter appointed shall hold their office for three years: *Provided, however*, That the members of said board, as now constituted, shall hold their office until the expiration of the time for which they were respectively appointed. At the first regular meeting of the common council after the annual charter election in the year A. D. one thousand eight hundred and ninety-one, or as soon thereafter as may be, two new members shall be appointed who, together with the present members of said board, shall constitute the board of public works of West Bay City; thereafter as the term of office of any member of such board expires, the common council shall appoint an elector to succeed such person as a member of such board. In case of a vacancy, the council shall fill such vacancy for the remainder of the unexpired term. Any person appointed a member of said board shall hold his office until his successor is appointed and qualified. Said board shall annually organize by appointing one of their number president; the common council shall at all times provide the board with suitable office room for its meetings and business uses, and supply record books, stationery, and other things necessary for the transaction of the public business in charge of said board, and provide for the payment in like manner as other accounts against the city, of all necessary and lawful expenses incurred by said board.

SEC. 2. Said board of public works shall have supervision and charge of the construction and repair and extension of all main and lateral sewers and drains; the erection, alteration and repair of all engine houses, police stations, city halls and

other public buildings of every description in said city, except school-houses and buildings for water-works; said board shall also have supervision and charge of the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, paving, planking, graveling or covering with other material of all streets and alleys; the laying out and improvement of all parks and public grounds, and the building of sidewalks and shall, in addition thereto, exercise such other powers and perform such other duties in the superintendence, construction and care of public works and improvements as the common council shall direct and as they may deem for the best interest of the city; but said board shall not enter into any contract for making any public improvement unless authorized by the council.

SEC. 3. It shall be the duty of the board of public works, whenever the common council shall direct plans and specifications of any proposed public improvement to be made, to proceed with all convenient dispatch to determine as to the particular kind and estimate the quantity of materials to be needed therefor, and estimate in detail the probable cost and expense of such work and of the material to be used therein, and make a record thereof in their office, and cause to be prepared, so far as necessary, plans and specifications for such work and improvements, and report such plans and specifications, with their determination and estimate, to the common council. When the common council of said city shall have decided upon the making of any public improvement, they shall so declare by resolution, and adopt plans and specifications therefor. Thereupon the board of public works shall, as directed by the council, advertise for proposals for the furnishing of material and for the performance of such work, and shall, if the estimated cost of such improvement exceeds five hundred dollars, require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted, and also security for any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter reported by said board, together with the names of the surety or sureties offered and its recommendation in respect thereto, to the common council. The common council shall have the right to reject any and all bids and direct the board of public works to readvertise or the common council may, if it should determine by a concurring vote of a majority of all the aldermen elect that the bid of the lowest responsible bidder is unreasonably high, direct the board of public works to cause such improvement to be made according to the plans and specifications previously adopted; thereupon the board of public works shall purchase all necessary materials and cause to be done everything necessary in the making and in the completion of such improvement, under the direction of the common council: *Provided*, That the common council may direct the board of public works to cause

To estimate material and expense of improvements.

Advertise for proposals, etc.

Provido.

any improvement to be made forthwith and without proposals, when the estimated expense thereof does not exceed two hundred dollars. Whenever the common council shall accept any bid for the making of any such improvement the board of public works shall enter into contract as hereinafter provided

Contracts to be in writing and executed by mayor, president and clerk.

SEC. 4. All contracts made by said board shall be in writing and in the name of the city of West Bay City, be first approved as to form by the city attorney, and be executed by the mayor of the city and the president and the clerk of said board, and unless so made they shall not be binding on the city; and when so made such board shall, in behalf of the city, have direction of the performance thereof. The board shall reserve the right in all contracts, to determine all questions as to proper performance of such contract and as to the completion of the work specified therein; and in case of the improper, dilatory, or imperfect performance thereof to suspend work at any time, to order the partial reconstruction of the same and if improperly done, to re-let the work covered by said contract or any unfinished portion thereof, or by its employés to take possession and complete the same at the expense of the contractor. It shall also reserve the right by proper provisions in all contracts to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed upon any public work; and upon failure of the contractor to pay same to make payment thereof to the parties entitled thereto, and charge the amounts so expended against the contract price.

City surveyor, powers and duty of, etc.

SEC. 5. The city surveyor, under the direction of the board of public works, shall make all surveys required for the laying out, construction, alteration, repair and improvement of sewers and shall be the engineer in charge of all local improvements and shall establish all grades for the same, and prepare all necessary plans, specifications and profiles therefor, as required by said board of public works, or by any other lawful authority of said city. Said engineer may, subject to the approval of the board of public works, appoint such assistants under him as are required for the proper and prompt performance of his duties and discharge such assistants at pleasure. Said board shall also have power to appoint a suitable person or persons, to assist the street commissioner in the personal supervision of the construction, improving, cleaning, and care of streets, alleys and public grounds; [and] cleaning and deepening of ditches, drains and gutters and the building of sidewalks; and said board shall have power to appoint all such subordinates and employés as may be necessary to enable the board to properly perform the duties devolving upon it, and perform any work directed by the council according to the provisions of this act. Said board, subject to the approval of the council, shall fix the compensation of the appointees [and employés] of said board.

May have assistants.

Compensation of appointees and employés.

SEC. 6. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs, superintendence and salaries of employes, and also detailed accounts of all other matters under its charge and control, and upon the first Tuesday [of] in January in each year, and oftener, if required by the common council, submit to it a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board, the character and [amount] amounts [of all contracts] made by the board; the moneys earned and paid thereon and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time certify to the common council the amount of all moneys justly due to each contractor and to every other person for work done and material furnished in the making of any public improvement and also the amounts owing to the street commissioner, city surveyor and each appointee and employé of the board.

Board to classify work, etc.

To submit statements to council, etc.

SEC. 7. The city attorney shall act as legal adviser of said board; and the city recorder shall be by himself or his deputy by him to be appointed, the clerk thereof and shall keep a full record of its proceedings, showing the vote, by ayes and nays, of each member upon every motion brought before or determined by said board; which record shall at all times be open to public inspection, and a copy thereof published within five days after each session in a newspaper of the city or in Bay county. A majority of the board shall form a quorum for the transaction of business, but a majority of all members constituting said board shall be necessary to decide any questions before the same. The board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of their business. It shall have power to fix the duties, and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to said board the public interest may seem to require.

Legal adviser of board.

Clerk to keep record.

Quorum.

To make by-laws, etc.

This act is ordered to take immediate effect.

Approved April 3, 1891.

[No. 272.]

AN ACT to re-incorporate the city of Mason.

SECTION 1. *The People of the State of Michigan enact,* That the following territory, to wit: Entire sections four, five, eight and nine in the township of Vevay in the county of Ing-

Territory incorporated.

Subject to provisions of general law.	<p>ham, and State of Michigan, being township number two north of range one west in said county of Ingham, be and the same hereby is constituted a city corporate by the name of the city of Mason, under and subject to the provisions of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of cities," approved April twenty-ninth, eighteen hundred and seventy-three, which act, except the portion of chapter one of said act relating to proceedings on the part of cities and villages to become incorporated under said act, shall constitute the charter of said city, except as herein otherwise provided: <i>And provided</i>, That chapter twenty-eight of said act, relating to education and the powers and duties of a board [of] education, shall not be applicable to said city of Mason, and that school district number one in said township of Vevay, and the present limits thereof shall be in no way affected by this act, but the same shall continue as heretofore, subject to and governed by the general statutes of this State relating to schools and school districts. And taxes for school purposes therein shall be assessed and collected in all respects, in pursuance of existing statutes relating to fractional school districts; and the clerk and school inspectors of said city, and supervisors of the wards therein shall, in relation to said school district and the assessment and collection of such taxes, perform the same duties required of like officers in townships.</p>
Proviso as to education.	
Of taxes for school purposes.	
Division into wards. First ward. Second ward.	<p>SEC. 2. Until otherwise changed, in pursuance of the provisions of said act, said city is divided into two wards as follows: The portion of said territory embraced in said sections four and nine shall constitute the first ward, and the portion thereof embraced in said sections five and eight shall constitute the second ward.</p>
Officers to be elected.	<p>SEC. 3. In said city of Mason, the following city officers, viz.: Mayor, city clerk, city marshal, city treasurer, who shall be <i>ex officio</i> city collector, three school inspectors, two justices of the peace, and two [aldermen] alderman at large shall be elected by the qualified voters of the whole city.</p>
Offices abolished.	<p>SEC. 4. The office of the justice of the peace whose term of office expires on the fourth day of July in the year eighteen hundred and ninety-one, and of his successor as well, shall be and is hereby abolished and discontinued after the fourth day of July, eighteen hundred and ninety-one, and the office of the justice of the peace whose term of office shall expire on the fourth day of July, eighteen hundred and ninety-two, and of his successor as well, shall be and is hereby abolished and discontinued after the fourth day of July, eighteen hundred and ninety-two. And the offices of the justices of the peace whose terms of office do not expire on the fourth day of July, in the years eighteen hundred and ninety-one and eighteen hundred and ninety-two respectively, and are not hereby abolished and discontinued under the provisions of this act shall continue to hold their offices until their successors are elected and qualified as hereinafter in this act provided.</p>
Offices not abolished.	

SEC. 5. The files, records and dockets belonging or appertaining to said offices hereby abolished and discontinued, shall be filed with either of the justices of the peace whose offices are not abolished and discontinued by the provisions of this act, and such justice or justices of the peace with whom such files, records, and dockets are filed shall be and hereby are authorized and empowered to issue executions upon, or transcript of any judgment appearing upon said dockets, in the same manner and with like effect as if such judgment had been rendered by them, or either of them.

Disposition of records of offices abolished.

SEC. 6. The mayor, city clerk, city marshal, city treasurer, supervisors and constables shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices respectively.

Terms of office.

SEC. 7. There shall be one justice of the peace elected at the charter or city election for the year eighteen hundred and ninety-three, who shall hold his office for the term of three years from the fourth day of July next after his election; and at the charter or city election for the year eighteen hundred and ninety-four there shall be one justice of the peace elected, who shall hold his office for the term of four years from the fourth day of July next after his election. After the city election for the year eighteen hundred and ninety-four, one justice of the peace shall be elected every two years for the term of four years from the fourth day of July next after his election.

Of justice of the peace.

SEC. 8. The offices of city collector and street commissioner are hereby abolished and discontinued on and after the first Monday in April in the year eighteen hundred and ninety-one.

Offices abolished.

SEC. 9. It shall be the duty of the marshal in addition to his other duties, to perform or cause to be performed, all the duties which have been heretofore performed by the street commissioner, and all duties heretofore required to be performed by the street commissioner.

Duty of marshal.

SEC. 10. The city treasurer, in addition to his other duties, shall perform all duties heretofore required to be performed by the city collector.

Duty of treasurer.

SEC. 11. The city marshal, clerk, treasurer, city attorney, and engineer of the fire department, shall each receive such annual salary as the council shall by resolution determine, not exceeding five hundred dollars.

Salaries.

SEC. 12. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds of the city are constituted, exclusive of taxes for schools and school-house purposes, shall not, except as herein otherwise provided, exceed in any one year one and one-fourth per cent on the assessed value of all real and personal property in the city made taxable by law.

Limit of taxation.

Annual estimates
of expenditures.

SEC. 13. It shall be the duty of the council, by resolution of a majority of all the [aldermen] alderman elected, to cause estimates to be made in the month of September, in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year: *Provided*, That such estimates shall be made at some meeting in September prior to the meeting at which the resolution termed the annual appropriation bill, mentioned in the next section, is passed.

Proviso.

Annual ap-
propriation bill.

SEC. 14. The council shall, also, in the said month of September, in each year, pass a resolution, by a majority vote of all the aldermen elected, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds as estimated and determined upon, as provided in section fourteen of this act, and order the same, or so much of such amounts as may be necessary to be raised by tax with the next general tax levy, or by loan, or by both, and to be paid into the several general funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as otherwise provided, exceed the amount which the city is authorized by section twelve of this act to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds. The council shall also designate in the appropriation bill the sum, if any, required to be raised to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be levied or re-assessed with the next general tax as otherwise provided, and the dispositions to be made of such moneys; and shall also designate in such bill any local improvements which they may deem desirable to make during the next fiscal year, to be paid for in whole, or in part, by special assessment, and the estimated cost thereof: *Provided*, That all parcels of land used exclusively for farming purposes, and not laid out into city lots, shall be exempt from the expenses and taxes for operating and maintaining water-works.

Proviso.

Subject to gen-
eral law.

SEC. 15. Said city of Mason shall in all things not herein otherwise provided, be governed by, and its powers and duties be defined by an act entitled, "An act for the incorporation of cities," approved April twenty-nine, eighteen hundred and seventy-three: *Provided*, That whenever the words "street

Proviso.

commissioner" occur in said act, in its application to this act, they shall be read "city marshal," and wherever the words "city collector" occur in said act, they shall read "city treasurer."

SEC. 16. All ordinances now in force in said city of **Mason** shall be and remain in force until amended or repealed by the common council of said city. Present ordinances to remain in force.

This act is ordered to take immediate effect.

Approved April 3, 1891.

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[No. 273.]

AN ACT to provide for a board of review of assessments in the city of **Iron Mountain** in the county of **Menominee**.

SECTION 1. *The People of the State of Michigan enact,* Board of review. That the supervisors of the several wards of the city of **Iron Mountain**, in the county of **Menominee**, together with one freeholder of said city who shall not be an alderman, and who shall be appointed by the city council on the first Monday in May in each year, shall constitute a board of review of assessment in said city.

This act is ordered to take immediate effect.

Approved April 3, 1891.

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[No. 274.]

AN ACT to legalize the action of the board of supervisors of **St. Clair** county, **Michigan**, in establishing the township line between the township of **Port Huron** and the township of **St. Clair** of said county.

SECTION 1. *The People of the State of Michigan enact,* To remain as boundary line. That the action of the board of supervisors of **St. Clair** county in establishing the boundary line between the township of **Port Huron** and the township of **St. Clair**, in **St. Clair** county, as recorded in the office of the county clerk for **St. Clair** county, shall be and the same shall remain as the boundary line between the said townships of **Port Huron** and **St. Clair**.

This act is ordered to take immediate effect.

Approved April 3, 1891.

[No. 275.]

AN ACT to amend local act number three hundred and sixty-four of the year one thousand eight hundred and eighty-nine, entitled "An act to incorporate the city of Bessemer in the county of Gogebic," approved April tenth, one thousand eight hundred and eighty-nine, by adding a new section thereto, to be numbered section eleven.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act number three hundred and sixty-four of the local laws of one thousand eight hundred and eighty-nine, entitled "An act to incorporate the city of Bessemer in the county of Gogebic," approved April tenth, one thousand eight hundred and eighty-nine, be amended by adding a new section thereto, to be numbered section eleven, as follows:

Council to appoint certain officers.

SEC. 11. The clerk of said city, and the marshal and street commissioner thereof, shall be appointed by the common council thereof, at the time of the appointment of other city officers, and the said common council may, in their discretion, appoint the same person to fill the offices of marshal and street commissioner.

Ordered to take immediate effect.

Approved April 7, 1891.

[No. 276.]

AN ACT to amend sections ten and fifteen of an act entitled "An act to organize the union school district of the city of Saginaw," being act number two hundred and sixty, laws of eighteen hundred and sixty-five, and the acts amendatory thereof.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections ten and fifteen of act number two hundred and sixty, laws of eighteen hundred and sixty-five, entitled "An act to organize union school district of the city of Saginaw," be and the same is hereby amended so as to read as follows:

Board to determine amount of tax.

SEC. 10. Said board shall also have power and it shall be its duty, annually to determine by vote, which shall be entered in the records of its proceedings, the amount of money necessary to be raised by tax on the property of said district to defray the expenses of the schools of said district for the current year, including free text-books and school supplies, and the amount necessary to pay the interest and principal of any liquidated debt due within such year, from such district and to file with the assessor of said city on or before the first day of May in each year, a statement in writing of the sum so voted; and it shall be the duty of the common council to apportion said sums to be raised, among the wards of said city which are

To file statement with assessor.

included in said district, according to the valuation of the taxable property in the same, and to cause the same to be assessed on such property in the first general tax thereafter made, which said sums so assessed shall be and remain a lien on the property against which they are assessed until fully paid; and the assessment of such tax for said district shall be in a separate column in said roll; and the same shall be collected at the same time, and shall be and remain a lien on the property on which the same is levied; and the treasurer of said city shall have the same authority and may resort to the same remedies and modes and proceedings, by virtue of the said roll and warrant annexed thereto to collect the same, as in the case of the other taxes therein contained, and it shall be the duty of the city treasurer to pay over to the treasurer of said district monthly all such moneys as may be collected belonging to said district.

Lien on property.

Authority of treasurer to collect.

SEC. 15. Said board shall also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said district between the ages of five and twenty years; relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said district may be entitled to its proportion of the primary school fund; relative to the levying and collecting of rate bills; relative to the grading, disciplining, and visitation of schools; relative to the course of study and books to be used in the schools; relative to the appointment of necessary officers and servants in and about said schools, their powers, duties and compensation, including a superintendent of the schools of said district; and said board shall be authorized to purchase, exchange, repair and improve school apparatus, books, furniture, text-books and all other school supplies used in the public schools. Such text-books and supplies to be loaned to the pupils of the said public schools free of charge, subject to such rules and regulations as to the care and custody thereof as the said board may prescribe.

Additional power of board.

This act is ordered to take immediate effect.

Approved April 7, 1891.

[No. 277.]

AN ACT to authorize the city of Port Huron to borrow money and to issue bonds therefor, to purchase outstanding paving, sewer and other public improvement bonds, issued for private property portion of said improvements, and to authorize said city to hold and collect said bonds and all unpaid special assessments levied upon private property to defray the expenses of the improvement for which said bonds were issued.

SECTION 1. *The People of the State of Michigan enact*, That the city of Port Huron is hereby authorized and empowered to

Authorized to borrow money to purchase bonds.

borrow money and to issue bonds for the sum of twenty thousand dollars, on the faith and credit of said city, and sell the same, and with the proceeds purchase outstanding special assessment bonds issued prior to January first, eighteen hundred and eighty-nine, under and by virtue of the power conferred in its charter for the private property portion of all paving, graveling and macadamizing of streets in said city, and for the construction of sewers in said city, in such manner and under such restrictions as the common council of said city may prescribe by resolution, with the approval of the board of estimates.

Bonds to be held
for benefit of
city, etc.

SEC. 2. The city of Port Huron is hereby authorized and empowered to hold all bonds so purchased, for the use and benefit of said city, and to take all necessary steps to enforce the collection thereof, that could have been taken had not said bonds been so purchased, and to that end to enforce all special assessments heretofore made for the payment of said bonds, and to make one or more re-assessments for that purpose, as may be necessary, in the manner provided by law.

Rights reserved.

SEC. 3. All the rights, powers and remedies heretofore existing to enforce the collection of the assessment for which said bonds were issued, are reserved to said city.

Bonds to be deposited to credit
of sinking fund.

SEC. 4. All special assessment bonds purchased by said city of Port Huron shall be deposited to the credit of the sinking fund, and shall be regularly canceled as fast as money is paid in on the special assessment, levied to defray the expenses of the improvement for which said bonds were issued.

Money collected
to be deposited to
credit of sinking
fund.

SEC. 5. The money collected on said special assessment shall be deposited to the credit of the sinking fund of said city.

This act is ordered to take immediate effect.

Approved April 7, 1891.

[No. 278.]

AN ACT to authorize the board of supervisors of Muskegon county, in this State, to expend during the year ending March first, one thousand eight hundred ninety-two, a sum not exceeding five thousand dollars in repairing the court house and jail of said county, and in constructing therein suitable heating apparatus.

Authority to
repair court
house and jail.

SECTION 1. *The People of the State of Michigan enact,* That the board of supervisors of Muskegon county, in this State, be and hereby is authorized to expend during the year ending March first, one thousand eight hundred ninety-two, a sum not exceeding five thousand dollars in repairing the court house and jail of said county and in constructing therein suitable heating apparatus.

This act is ordered to take immediate effect.

Approved April 9, 1891.

[No. 279.]

AN ACT to incorporate the village of Watervliet, in the county of Berrien.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.
 That all that certain territory lying in the township of Watervliet and county of Berrien and described and bounded as follows, to wit: Commencing at a point on the south line of the highway running due east and west through the center of section twenty-two, two rods south of the northwest corner of the east half of the southeast quarter of section twenty-two, town three south, range seventeen west, thence south along the line between the east and west halves of the southeast quarter of section twenty-two, to a point forty rods south of the north line of section twenty-seven, in said township, thence east and parallel with the north line of said section twenty-seven and section twenty-six to the line between the east half and west half of the northeast quarter of section twenty-six, thence north along said line to the south bank of the Paw Paw river, thence westerly along the south bank of said Paw Paw river to the south side of Mill street, thence westerly along the south line of said street to the place of beginning, be and the same is hereby incorporated and constituted a village by the name Corporate name. of the village of Watervliet.

SEC. 2. The first election of the officers of said village shall First election. be held at Woolcott's hall in said village on the third Monday in April, in the year eighteen hundred and ninety-one, at which election the polls shall be opened at nine o'clock in the morning and shall be kept open until five o'clock in the afternoon of said day, at which hour they shall be closed; due notice of Notice of election. which election shall be given by the board of registration hereinafter appointed by posting notices in three public places in said village, and by printing the same in the "Watervliet Record," a newspaper published in said village, at least ten days previous to said election.

SEC. 3. Albert N. Woodruff, F. A. Blackmer and Emeris Board of registration. Woolcott are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election at said Woolcott's hall and remain in session from nine o'clock in the morning until five o'clock in the afternoon of said day, and register the names of all persons residing in said village having the qualifications of voters at annual township elections. Due Notice of registration. notice of such registration shall be given in the same manner and at the same time as is provided for giving notice of the first election in section two of this act.

SEC. 4. The said village of Watervliet shall, in all things Governed by general law. not herein provided, be governed, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April

first, eighteen hundred and seventy-five, and acts amendatory thereof, and supplementary thereto.

Election at time
other than time
specified.

SEC. 5. In case the village officers provided for in this act are not elected at the time and in the manner designated in section two of this act, an election for such officers may be held at any time within one year from the time designated in said section two of this act, and notice being given as provided in said section. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration, and the members of said board of registration shall take the constitutional oath of office before entering on the discharge of their duties.

This act is ordered to take immediate effect.

Approved April 9, 1891.

[No. 280.]

AN ACT to amend sections twenty-two and twenty-seven of act number three hundred thirty-five of the local acts of one thousand eight hundred eighty-nine, approved March nineteenth, one thousand eight hundred eighty-nine, entitled "An act to revise and amend act number five hundred and twenty-two of the local acts of eighteen hundred and eighty-seven," being an act entitled "An act to incorporate the public schools of the city of Muskegon," approved June eighteenth, eighteen hundred and eighty-seven.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections twenty-two and twenty-seven of act number three hundred and thirty-five of the local acts of one thousand eight hundred eighty-nine, approved March nineteenth, one thousand eight hundred eighty-nine, entitled "An act to revise and amend act number five hundred and twenty-two of the local acts of one thousand eight hundred eighty-seven," being an act entitled "An act to incorporate the public schools of the city of Muskegon" be and the same hereby is amended so as to read as follows:

Board to determine amount to be raised by tax, etc.

SEC. 22. The board of education shall, in the month of June in each year, determine by resolution passed by a vote of a majority of all the members of said board, the sum or sums necessary or proper to be raised by taxation during the next school year for any or all of the following purposes:

To lease and repair school-houses, etc.

First, To lease and repair school-houses and their outhouses, grounds and appurtenances; to purchase, exchange, repair and improve school apparatus, books, fixtures, text-books for indigent pupils, chemicals and other supplies used in the public schools; to procure fuel and lights and to defray all other necessary or incidental expenses of said board and district, for

salaries of clerk of board, superintendent of buildings, janitor and other employes not herein otherwise provided for, the fund so provided to be termed the "contingent fund;"

Second, To purchase books and other literature for the said Hackley public library, as authorized by section seventeen of this act, salary of librarian and assistants, and other incidental library expenses, the funds so provided to be termed the "library fund;" Purchase books, etc.

Third, To pay the salaries and wages of the superintendent and teachers, after the application of the public moneys which may be by law appropriated and provided for that purpose, the fund so provided to be termed the "teachers' fund;" To pay salaries, etc.

Fourth, For the payment of interest and indebtedness falling due, the fund so provided to be termed the "bond fund;" To pay interest, etc.

Fifth, For altering or improving school-houses, grounds and appurtenances, and for the purchase of grounds, and for the construction and furnishing of school buildings, the fund so provided to be termed the "permanent improvement fund;" For improving, etc., school-houses, etc.

Sixth, For purchasing and supplying text-books in conformity with the provisions of act number one hundred and forty-seven of the public acts of one thousand eight hundred eighty-nine, entitled "An act to regulate the uniformity of and to provide free school text-books in public schools throughout the State, and the distribution of the same, and to repeal all statutes and acts contravening the provisions of this act," the fund so provided to be termed the "free [text-books] text-book fund." Supplying text books, etc.

SEC. 27. The treasurer of said district, before he shall enter upon the duties of his office, shall give a bond to the public schools of said city, in such sum and with such sureties as the board of education shall approve, and conditioned for the faithful discharge of the duties of his office, and to account for and pay over to his successor in office, or to any person designated by the board of education, all moneys that shall come into his hands by virtue of his office. Said treasurer shall have power, under the direction of the board of education, and in the name of the public schools of said city, to collect the moneys due said district from the city or county treasurers, or from tuition of pupils who are not actual residents of said district, or that may be due said district in any other manner whatever. All school and library moneys receivable from the county treasurer, and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to or paid out for any purpose except upon the written order of the president, countersigned by the secretary of the board. All funds of the district paid to its treasurer, or that shall come into his hands by virtue of his office, shall be deposited by him in such bank or banks within the city of Muskegon, designated by the board of education, as shall offer the highest rate of interest thereon and shall give security approved by the board of education for the safe keeping and Treasurer to give bond, etc.

Power of treasurer.

School and library money to be deposited with treasurer.

Treasurer to deposit funds in bank, etc.

repayment, upon proper warrants, as herein prescribed; all moneys so deposited shall at all times be subject to withdrawal on such warrants. The interest upon such deposits shall be paid into the contingent fund. The treasurer of said district shall not be liable for any loss occasioned by the default of such bank or banks while the funds are deposited therein.

This act is ordered to take immediate effect.

Approved April 9, 1891.

[No. 281.]

AN ACT to revise and amend the charter of the city of Menominee, being act number two hundred and twenty-eight of the session laws of one thousand eight hundred and eighty-three entitled "An act to incorporate the city of Menominee."

CHAPTER I.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That act number two hundred and twenty-eight of the session laws of one thousand eight hundred and eighty-three, entitled "An act to incorporate the city of Menominee" approved March sixteenth, one thousand eight hundred and eighty-three, be and the same is hereby amended so as to read as follows:

CHAPTER II.

CITY AND WARD LIMITS.

Territory
incorporated.

SECTION 1. So much of the county of Menominee as is included in the following descriptions, to wit: All of fractional township thirty-one north, fractional section twenty-six, section twenty-seven, section thirty-four, and fractional section thirty-five of township thirty-two north, all in range twenty-seven west; also all that portion of the Menominee river, and of the Green bay of Lake Michigan, lying between the said lands and the boundary line of the State of Michigan shall be, and the same is hereby set off from the township of Menominee and organized and incorporated into a city, by the name of the city of Menominee.

Wards.

First.

SEC. 2. The said city shall for the time being be divided into five wards. The first ward shall include all that portion of said city, commencing at a point on the shore of Green bay, where the center line of Quimby street if extended would intersect the same; thence running southerly along the shore of Green bay to the center of the channel of the

Menominee river; thence northwesterly along said channel to a point where the east line of section three, township thirty-one north, of range twenty-seven west, intersects the same; thence north along the east line of said section three, to the center of Quimby street; thence easterly along the center of Quimby street to the center of Kirby street; thence northeasterly along Quimby street, and Quimby street produced to the place of beginning. The second ward shall include all that portion of said city beginning on the shore of Green bay, at the northeast corner of the first ward, thence westerly along the north boundary of said ward to the east line of section three, township thirty-one north, range twenty-seven west; thence south along said line to the center of the channel of the Menominee river; thence westerly along said channel to a point where, if a line from the center of lot three, section three, township thirty-one north, range twenty-seven west, was extended, would intersect the same; thence north to the center of Ogden avenue; thence easterly along the center of Ogden avenue to the shore of Green bay; thence southerly along the shore of Green bay to the place of beginning. The third ward shall include all that portion of said city commencing at the center of the point of intersection of Ogden avenue and Hamilton street; thence north along the center of Hamilton street to the center of Stephenson avenue; thence west along Stephenson avenue, and Stephenson avenue as produced, to the center of the channel of the Menominee river; thence along said channel to a point where a line extended due south from the center of lot three section three, township thirty-one, range twenty-seven, would intersect the same; thence north to the center of Ogden avenue, thence east along the center of Ogden avenue to the place of beginning. The fourth ward shall include all that portion of said city commencing at the center of Ogden avenue on the shore of Green bay; thence northerly along the shore of Green bay to the center of Stephenson avenue; thence west along the center of said avenue to the center of Jenkins street; thence north along the center of Jenkins street to the township line between townships thirty-one and thirty-two of range twenty-seven; thence west along said township line eighty rods; thence north eighty rods; thence west eighty rods; thence north eighty rods; thence west one hundred and sixty rods; thence south one hundred and sixty rods; thence west along the town line between townships thirty-one and thirty-two, range twenty-seven to the center of the channel of the Menominee river; thence southerly along said channel to the northwest corner of the third ward; thence east along the north boundary line of the third ward to the northeast corner of the same; thence southerly along the center of Hamilton street to the center of Ogden avenue; thence east along the center of Ogden avenue to the place of beginning. The fifth ward shall include all that portion of said city commencing at the center of Stephenson avenue

on the shore of Green bay; thence westerly along the north boundary line of the fourth ward to the center of Jenkins street; thence north along the center line of Jenkins street to the town line between townships thirty-one and thirty-two range twenty-seven; thence west on said town line eighty rods; thence north eighty rods; thence west eighty rods; thence north eighty rods; thence west one hundred and sixty rods; thence north along the west lines of sections thirty-four and twenty-seven, township thirty-two, range twenty-seven, to the southwest corner of section twenty-two, township thirty-two, range twenty-seven; thence east along the north line of sections twenty-seven and twenty-six, township and range aforesaid, to the shore of Green bay; thence along the shore of Green bay on the meander lines of section twenty-six and fractional section thirty-five, township thirty-two, range twenty-seven, to the place of beginning.

Water boundary
of wards.

SEC. 3. All of said wards contiguous to the Menominee river shall be deemed and held to extend to the boundary line of the State in said river, and all of said wards contiguous to the Green bay shall be deemed and held to extend to the boundary line of the State in said Green bay, the boundary lines of said wards being a direct continuation of the boundary lines where the same intersect the shore of said river of Green bay.

CHAPTER III.

EFFECT OF INCORPORATION.

Body corporate.

SECTION 1. The city shall be a body politic and corporate under and by the name of the city of Menominee, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which it is incorporated, have a common seal and change the same at pleasure, and exercise all the powers in this act conferred.

Judicial notice
to be taken of
act, &c.

SEC. 2. Judicial notice shall be taken in all courts and proceedings in this State of the existence of the city of Menominee as incorporated under this act, and of all changes at any time made in the corporate limits of the said city by the annexation of territory, thereto or otherwise, and of the boundaries of all wards, and of all changes made at any time in the boundaries of any ward in the city.

CHAPTER IV.

ELECTORS AND REGISTRATION.

Electors.

SECTION 1. The inhabitants of the city incorporated under this act, having the qualifications of electors under the constitution of this State, and no other, shall be electors therein.

Residence of.

SEC. 2. Every elector shall vote only in the ward where he shall have resided during ten days next preceding the

day of election. The residence of any elector not being a householder shall be deemed to be in the ward in which he boards or takes his regular meals.

REGISTRATION.

SEC. 3. The aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by reason of a change of boundary of any ward, or the formation of a new ward, or other cause, there shall not be any or a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward.

Board of registration.

SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed by law for giving notices of their sessions, preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward, or to the new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

In case of change of ward boundaries.

SEC. 5. When a new ward shall be formed, the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session three days; and notice of the formation of such ward, and that a new register of the electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

In case of new wards.

SEC. 6. The boards of registration in the city, at their sessions previous to the general election in November, in the year one thousand eight hundred and ninety-two, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities; and a like registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year eighteen hundred and ninety-two and every fourth year thereafter. When such new registry shall be made, the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

Re-registration to be made.

Old register shall not be used.

Notice of re-registration.

CHAPTER V.

OFFICERS.

City officers. SECTION 1. In the city, as incorporated under this act, there shall be the following city officers: A mayor, city treasurer, and four justices of the peace, who shall be elected by the qualified voters of the whole city.

Ward officers. SEC. 2. In each ward a supervisor, two aldermen, and a constable shall be elected.

Appointive officers. SEC. 3. The following officers shall be appointed by the council, viz.: A city attorney, city surveyor, city marshal, city clerk, street commissioner, engineer of the fire department, and a board of three assessors. The council may also from time to time provide by ordinance for the appointment of, and appoint, for such term as may be provided in the ordinance, such other officers, whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance: *Provided*, That officers appointed for a definite term can only be removed during that term upon cause shown and after an opportunity for hearing before the council.

When appointments to be made. SEC. 4. Appointments to office by the council, except appointments to fill vacancies, and appointments on the board of assessors, shall be made on the first Monday of May in each year, and appointments of members of the board of assessors shall be made at the first regular meeting in March, but appointments, which for any cause shall not be made on the days prescribed, may be made at any regular meeting of the council.

Term of certain officers. SEC. 5. The mayor, city marshal, city clerk, city treasurer, street commissioner, supervisors, and constables shall hold their offices for the term of one year from the first Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election, and the justices of the peace and other officers now in office in said city, shall continue to hold their respective offices for the unexpired portion of their terms, the same as though this act had not been passed.

Board of assessors, term of, etc. SEC. 6. Upon the passage of this act the council shall appoint a board of three assessors, one for one year, one for two years, and one for three years, from March first, one thousand eight hundred and ninety-one, and at the first regular meeting in March of each year thereafter they shall appoint one member of said board for three years, and the members so appointed shall immediately enter upon their duties and shall hold such offices until their successors are appointed and qualified.

SEC. 7. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday in May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or in the ordinance creating the office.

Term of appointive officers.

SEC. 8. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices on the fourth day of July, next after the election. In all other cases officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security, if any, required for the performance of the duties of the office. Vacancies in the office of justices of the peace may be filled at any annual election in the city, and the justices of the peace so elected shall serve during the remainder of the unexpired term.

When officers to enter upon duties of office.

Vacancy in office of justice.

QUALIFICATION, OATH, AND BOND OF OFFICE.

SEC. 9. No person shall be elected or appointed to any office unless he be an elector and resident of said city for one year next preceding such election or appointment, and if elected or appointed for a ward, he must be an elector and resident as aforesaid, and no person shall be elected or appointed to any office in the city who has within five years previous thereto, after due trial, been removed from office therein, or has been or is a defaulter to the city or any board of officers thereof, or to any school district, county, or other municipal corporation of the State. All votes for, or any such defaulter shall be void.

Qualification for office.

When votes void.

SEC. 10. Justices of the peace, elected in the city, shall take and file an oath of office with the county clerk of the county in which the city is located, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the city clerk.

Oath of justices.

Oath of other officers.

SEC. 11. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in the case of justices of the peace elected in townships; except that such official bond or security may be executed in presence of and be approved by the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond, or security, and such other bond or security to the city as may be required by law, or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships; and every other officer elected

Bond of justice.

Penalty for not filing, etc.

Bond of other officers. or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law, or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council, for the due performance of [the] his duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Bond of clerk.

Sufficiency of surety to be inquired into. SEC. 12. The council, or the mayor, or other officers whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing, and [be] signed by him, and annexed to and filed with the bond or instrument to which it relates.

New bonds may be required. SEC. 13. The council may also, at any time, require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same, or in such further sums, and with new or such further sureties as said council may deem requisite for the interest of the corporation. And failure to comply with such requirement shall subject the officer to immediate removal by the council.

VACANCIES IN OFFICE.

Resignations. SEC. 14. Resignation of officers shall be made to the council, subject to their approval and acceptance.

When office vacated. SEC. 15. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

When council may declare office vacated. SEC. 16. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Vacancy of mayor or alderman. SEC. 17. A vacancy in the office of mayor, or of any alderman, occurring more than ninety days before an annual city election, shall be filled by a special election. A vacancy in the office of any alderman occurring within ninety days before an annual election, and all vacancies in the office of justice of the peace, shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment by the council, within twenty days after the vacancy

In other offices.

occurs, or if the vacancy be in an elective office, it may be filled by an election or an appointment, in the discretion of the council.

SEC. 18. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them. Surety not exonerated.

SEC. 19. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand, deliver over to his successor in office, all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provision of such general laws of the State. Property, etc., to be delivered to successor. Who deemed officers.

CHAPTER VI.

ELECTIONS.

SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate. And at each annual election there shall be one alderman in each ward elected for two years, and one justice of the peace for four years, the term of office of each to be designated upon the ballots; and the officers now acting shall continue to hold until the expiration of their respective terms. Annual elections. Officers, term of office.

SEC. 2. Special elections may be appointed by resolution of the council, and held in and for the city, or in and for any ward thereof, at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election. Special elections.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual charter elections. Duty of council.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least eight days Notice of, etc.

- before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.
- To be published.** **SEC. 5.** The city council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in cities organized under the general laws of this State for the incorporation of cities.
- Ballot boxes.** **SEC. 6.** On the day of elections, held by virtue of this act, the polls shall be opened in each ward at the several places designated by the council at eight o'clock in the morning and shall be kept open until six in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and one hour's notice shall be given of the closing of the polls.
- Polls, time of opening, etc.** **SEC. 7.** The supervisor and two aldermen of each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards or by a change in the boundaries of existing wards, or for any reason there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present or remain in attendance, the electors present may choose *viva voce*, such number of such electors as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors at [that] the election.
- Board of inspectors.** **SEC. 8.** The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or when necessary the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.
- When council to appoint.** **SEC. 9.** The inspectors of election, as specified in the last two sections, shall be inspectors of State, county and district elections in their respective wards.
- Vacancy.** **SEC. 10.** All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding elections of city officers in cities organized under the general laws of the State, for the incorporation of cities as the same shall exist at the time of hold-
- Officers of board.**
- To be inspectors of all elections.**
- Manner of conducting.**

ing each such election respectively, except as herein otherwise provided; and poll lists shall be kept, records made, and votes canvassed, certified, and returned with the poll lists and ballot boxes, and other proceedings had in connection therewith, in the manner provided by such general laws; and the inspectors of such election shall have the same powers and authority for the preservation of order, and for enforcing obedience to their lawful commands during the time of holding election, and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State. Powers of boards.

SEC. 11. The electors shall vote by ballot; and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the ward, unless otherwise provided by such general laws, in which case they shall be in accordance with such general laws relative to elections in cities. The ballots cast upon any question or proposition submitted to be voted upon shall be separate, and be deposited in a separate box. Ballot, contents of.

SEC. 12. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill, the same shall be designated on the ballot. Idem.

SEC. 13. Inspectors shall, in all respects, except as herein otherwise provided, conform, as nearly as may be, to the duties required of inspectors of election at general elections in this State. Duties of inspectors defined.

SEC. 14. The council shall convene on Thursday next succeeding each election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk, in the county in which the city is located, and the other shall be filed in the office of the city clerk. Canvass of votes.

SEC. 15. The person receiving the greatest number of votes, for any office in the city or ward, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office, by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, [determine] determined by lot between such persons which shall be considered elected to such office. Certificate of election.

SEC. 16. It shall be the duty of the city clerk, within five days after the meeting and determination of the council, as provided in section fourteen to notify each person elected, in writing of his election; and he shall also, within five days Who deemed elected.

after the council shall appoint any person to any office, in like manner notify such person of such appointment.

Notice of neglect
to file oath, etc.

SEC. 17. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath, and requisite bond or security, for the performance of the duties of the office.

CHAPTER VII.

DUTIES AND COMPENSATION OF OFFICERS—THE MAYOR.

Qualification
for office.

SECTION 1. No person shall be elected or appointed to any office in the city unless he be an elector and a resident of said city for one year next preceding such election or appointment. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall, from time to time, give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city, and the ordinances and regulations of the council are enforced. He shall also countersign all orders and warrants drawn on the city treasurer.

Mayor, duties of,
etc.

Idem.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise, within the city, the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riots and disorderly conduct.

May remove
certain officers,
etc.

SEC. 3. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent employé, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Acting mayor.

SEC. 4. In the absence or disability of the mayor, or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

ALDERMEN.

Aldermen,
duties of.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No

alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman, except as herein otherwise provided. Not to hold other office.

CITY CLERK.

SEC. 6. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files, and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council, shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office and such copies shall be [evidence] evidenced in all places of the matters therein contained to the same extent as the original would be; he shall possess and exercise the powers of township clerk, so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations. Clerk, duties of.

SEC. 7. The city clerk shall be the general accountant of the city; and all claims against the corporation shall be filed with him for adjustment; after examination thereof, he shall report the same with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, which warrant shall be countersigned by the mayor, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer stating the objects and funds from which it is levied, raised, or appropriated and the amounts thereof to be credited to each fund. As general accountant

SEC. 8. The city clerk shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate To have supervision of certain officers.

account with each fund; when any fund has been exhausted, the clerk shall immediately advise the council thereof.

To report to
council, etc.

SEC. 9. The city clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the city, of the debts to be paid, and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. He shall extend the taxes upon all assessment rolls.

CITY TREASURER.

Treasurer,
duties of.

To be collector.

How to pay out
money.

SEC. 10. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases, property and evidences of value belonging to the city. He shall collect all taxes, general and special, receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon warrants, signed by the clerk and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the clerk.

To report to
clerk.

Make financial
exhibit.

Report to be
published.

To take receipts.

Care of city
funds.

SEC. 11. The treasurer shall render to the clerk, on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually, on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited, and out of which such disbursements are made, and the balances remaining in each fund, which account shall be filed in the office of the clerk, and shall be published in one of the newspapers of the city.

SEC. 12. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund, from which payment was made, and the voucher or warrant upon which it was paid, and file the same with the [clerk] clerks with his monthly report.

SEC. 13. The city treasurer shall keep all moneys in his

hands belonging to the city separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants or evidences of debt in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall, aside from other liabilities provided by law, subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

Penalty for violating section.

CITY MARSHAL.

SEC. 14. The city marshal shall be the chief of police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation and quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for preservation of quiet and good order. He shall serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the city; such process may be served anywhere within the State.

To be chief of police.

Duty.

SEC. 15. He shall suppress all riots, disturbances, and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets or public places, until they shall become sober.

Riots, etc.

Arrests.

SEC. 16. The marshal shall report in writing and on oath to the council, at their first meeting in each month, all arrests made by him, and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasurer during the same month when received, and the treasurer's receipts therefor shall be filled with the city clerk.

Report arrests, etc.

To deposit all money collected.

SEC. 17. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall fees be [charged] changed to, or be paid by the city. He may appoint such number of deputies as the council shall direct and approve,

Fees of.

May appoint deputies.

who shall have the same powers and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible, and the marshal and his deputies shall have the same power to serve and execute all process within the city limits as sheriffs or constables have by law to execute similar process.

CITY ATTORNEY.

Duties of.

SEC. 18. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY SURVEYOR.

Powers and
duties of.

Plats, etc.

SEC. 19. The city surveyor shall have and exercise within the city, the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats, as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council of officers of the city, relating to the public improvements, buildings, grounds, and streets of the city.

STREET COMMISSIONER.

Duties of.

SEC. 20. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by the council.

Monthly reports
of.

SEC. 21. He shall make a report to the council, in writing and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used, and the expense thereof, and the street or place where such material was used, or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him shall be made until reported on oath as aforesaid.

CONSTABLES.

Powers and
duties of.

SEC. 22. The constables of the city shall have the like

powers and authority in matters of civil and criminal nature and in relation to the [service] services of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

SEC. 23. The constables of the city shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by [any] an ordinance, resolution, or regulation of the council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable before entering upon the duties of his office shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the city clerk.

To obey lawful orders.

To give security.

BOARD OF ASSESSORS.

SEC. 24. The board of assessors shall be constituted of three freeholders of said city to be appointed by the council, as hereinbefore provided, and no person shall be appointed on said board who, at the time of his appointment, is a resident of any ward in said city wherein either of the remaining members of said board resides. The said board of assessors shall, acting together, perform the same duties in relation to the assessment of property, as near as may be, as are imposed by law upon supervisors elected in townships, and they shall have like powers in relation thereto as such supervisors. It shall be their duty to assess all the real estate of said city from actual view, and in case of a disagreement the vote of any two members shall decide and govern the actions of the board. They shall be members of the board of equalization, but have no vote thereon, and shall have such further powers and perform such other duties as shall be herein or by ordinance of said city hereafter prescribed, and they shall severally be authorized to administer any and all oaths required in the performance of their various duties.

Who shall constitute.

Duties of.

To be members of board of equalization.

SUPERVISORS.

SEC. 25. The supervisors of the several wards shall have like powers and perform the same duties as are imposed by law upon supervisors elected in townships, with the exception of duties relating to the assessment of property, and except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several wards in the board

Powers and duties of.

of supervisors of the county in which the city is located, and shall have all the rights, privileges and powers of the several members of such boards of supervisors, and shall be members of the board of equalization of the city.

To make list of jurors.

SEC. 26. The supervisors of the several wards shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers.

JUSTICES OF THE PEACE.

Jurisdiction and powers.

SEC. 27. The justices of the peace elected in said city under the provisions of this act shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for violations of this act, and for encroachments upon and injuries to any of the streets, alleys and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try, and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed, subject only to the limitations prescribed in section seventeen of chapter eleven of this act.

Idem.

SEC. 28. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justices of the peace, and to the proceedings before such officers.

Docket entries.

SEC. 29. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

Fines, penalties, etc., disposition of.

SEC. 30. All fines, penalties and forfeitures, collected or received by any justice of the peace, for or on account of

violation of the penal laws of the State, and all fines, penalties, forfeitures, and moneys collected or received by such justice, for or on account of violations of any ordinances of the city, shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof, and the justice shall take the receipt of the city treasurer therefor, and file the same with the city clerk.

SEC. 31. Every such justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered, for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report. To report to council.

SEC. 32. All fines recovered for the [violations] violation of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for [violations] violation of said criminal laws, and in punishing the offenders, shall be paid by the county in which the city is located. Disposition of fines, etc.

SEC. 33. Every justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city, in a penalty of one thousand dollars, with sufficient sureties, to be approved by the mayor, which approval shall be indorsed upon the bond, conditioned for the faithful performance of the duties of justice of the peace, within and for the city. Bond. Penalty of, etc.

SEC. 34. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act, or any of the ordinances of the city, shall be deemed guilty of a misdemeanor and punishable accordingly, and may be suspended from office by the council during its pleasure. Suspension, causes for.

SEC. 35. Every justice of the peace of the city, shall account on oath to the council, at their first meeting in each month, for all such moneys, goods, wares, and property seized or stolen property, as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city. To account to council.

SEC. 36. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties, and liabilities subject to and consistent with this act, as the council shall deem expedient, and prescribe by ordinance or resolution. Other powers and duties.

SEC. 37. The mayor and aldermen may each receive such Salary of officers.

salary, not exceeding fifty dollars per year, as may be prescribed by the council. The city marshal, city clerk, treasurer, city attorney, health officer, and engineer of the fire department shall each receive such annual salary as the council shall determine by resolution. The compensation of supervisors for all services performed by them in connection with the reviewing of assessment rolls shall be such as the council may from time to time determine. Justices of the peace, constables, and officers serving process and making arrests, may, when engaged in causes and proceedings for violations of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. All other officers elected or appointed in the city, shall, except as herein otherwise provided, receive such compensation as the council shall determine.

Salary, increase
or decrease of.

SEC. 38. The salary or rate of compensation of any officer elected or appointed by authority of this act, shall not be increased or diminished during his term of office, after the same shall have been fixed by resolution as aforesaid, except that it shall be in the power of the council to limit the salaries of the city attorney and health officer to certain services, and to pay for other and further services when necessary; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when during the same time the salary or rate of compensation has been increased by the council: *Provided, however,* That aldermen and supervisors may receive in addition to their salaries such compensation as the council may allow them for services on the board of registration and as inspectors of elections.

Proviso.

CHAPTER VIII.

THE CITY COUNCIL.

The council.

SECTION 1. The legislative authority of said city shall be vested in a council, consisting of the mayor, two aldermen elected from each ward, and the city clerk.

President of.

SEC. 2. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote.

President pro
tem.

SEC. 3. On the first Monday in May in each year, the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the president, shall preside at the meetings thereof, and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the president and president *pro tem* the council shall appoint one of their number to preside; and for the time being he shall exercise the powers and the duties of the president *pro tem*.

In case of
absence.

SEC. 4. The city clerk shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council, and perform such other duties relating to his office as the council may direct. In the absence of the clerk, the council shall appoint one of their number to perform the duties of his office for the time being.

Clerk of.
Duties.

SEC. 5. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Duties of aldermen.

SEC. 6. The council shall be judge of the election returns, and qualifications of its own members. It shall hold regular, stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The council shall by ordinance declare how special meetings shall be called.

Judge of the election, etc., of its members.
Meetings.

Special meetings.

SEC. 7. All meetings and sessions of the council shall be held in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley, or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall any resolution be passed or adopted except by a vote of the majority of all the aldermen elected to office, except as herein otherwise provided.

Sessions to be public.

Quorum.

When two-thirds vote required.

Appropriations.

SEC. 8. The council shall prescribe the rules of its own proceedings, and keep a record or journal thereof. All votes shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative, and those in the negative; and within ten days after any meeting of the council, all the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Rules, etc.
Manner of voting.

Publication of proceedings.

SEC. 9. The council may compel the attendance of its members and other officers of the city, at its meetings, in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct, by any member or any person present at any session of the council.

Compel attendance, etc.

SEC. 10. The city attorney, city marshal, street commissioner, city surveyor, and engineer of the fire department

Who may take part in meetings, etc.

May not vote.	shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.
Control of finances.	SEC. 11. The council shall have control of the finances, and of all the property real and personal, of the city corporation, except as may be otherwise provided by law.
May enact ordinances, etc.	SEC. 12. Whenever by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.
Standing committees.	SEC. 13. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.
Records, where kept, etc.	SEC. 14. The council shall cause all the records of the corporation, and of all proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers, and papers, relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the city clerk, and to be so arranged, filed, and kept as to be convenient of access and inspection, and all such records, books, and papers shall be subject to inspection by any inhabitants of the city, or other person interested therein, at all reasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being.
Subject to inspection.	Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State Prison, not longer than one year, or by fine not exceeding one thousand dollars or by both such fine and imprisonment, in the discretion of the court.
Penalty for secreting, etc.	SEC. 15. No member of the council or alderman shall receive any compensation for his services, either as councilman, alderman, committeeman, or otherwise, except as herein provided.
No extra compensation.	SEC. 16. No member of the council or any officers of the corporation shall be interested directly or indirectly in the profits of any contract, job, work, or services in which the city is interested, except as herein otherwise provided, other than official services, to be performed for the corporation.
Not to be interested in profits of contract, etc.	Any member of the council, or officer of the city herein specified, offending against the provisions of this section,
Violations, how punished.	

SEC. 5. No ordinance shall be revived unless the whole, Not to be revived. or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended, the whole section, as amended, shall be re-enacted.

SEC. 6. All ordinances, when approved by the mayor, or To be recorded. when regularly enacted, shall be immediately recorded by the clerk of the council, in a book to be called the "record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

SEC. 7. Within ten days after the passage of any ordinance, the same shall be published in some newspaper Publication of. printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinances, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

SEC. 8. The council may at any time, and as often as To be compiled. expedient, make a compilation of all the existing ordinances of the city, as they exist, or with such amendments, omissions, additions, extensions and new ordinances as shall be desired, and may, by ordinance, enact that such compilation so made, shall constitute all existing ordinances, and may provide for the publication of such compilation, and upon the passage and approval of such an ordinance, the compilation so made shall stand in place of and supersede all prior ordinances, and be and become the ordinances of the city.

SEC. 9. In all courts having authority to hear, try, or Judicial notice of determine any matter or cause arising under the ordinances of said city, and in all proceedings in such city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions, and [continuing] containing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinance of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings; first, from a record thereof kept by the city clerk; second, from a copy thereof, or of such record thereof, certified by the clerk, under the seal of the city; third, from any volume or compilation of ordinances purporting to have been written or printed by authority of the council.

CHAPTER X.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecutions for violations of the ordinances Prosecutions to be commenced within two years. of the city shall be commenced within two years after the

commission of the offense; and shall be brought within the city.

Action for.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt, or in assumpsit; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover, assumpsit, or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance the same shall be sued for in one of the actions aforesaid.

Action to be in name of city.

SEC. 3. Such action shall be brought in the name of the city, and may be commenced by summons or declaration. The form, time of return and service thereof, the pleadings, and all the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violation of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid, or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

Execution shall issue.

Warrants may be issued.

SEC. 4. Prosecutions for violations of the ordinances of the city may also, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Warrant to be in name of people.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof, shall, except as otherwise provided in this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace.

Proceedings.

Judgment.

SEC. 6. If the accused be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

How executed.

Commitment.

SEC. 8. The city shall be allowed the use of the jail of the county in which it is located for the confinement of all persons liable to imprisonment under the [ordinances] ordinance thereof, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to, and committed to imprisonment, in such county jail or in the city prison, or other place of confinement provided by the city, or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Use of county jail.

SEC. 9. All process issued in any prosecution or proceeding, for the violation of any ordinance of the city, shall be directed to the city marshal, or to any constable of the city or county, and may be executed in any part of the State, by said officers or any other officer authorized by law to serve process issued by justice of the peace.

Process, to whom directed

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated, by reciting its number or title and the date of its passage or approval, or if such ordinance be in a compilation, then by reciting the number, chapter, or other designation used in the making of such compilation; and it shall be [a] sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto, as above specified, and every court or magistrate, having authority to hear or determine the cause, shall take judicial notice of the enact-

Setting forth ordinance in complaint, etc.

Statement of cause of action.

Courts to take judicial notice of, etc.

ment, existence, and provisions of the ordinances of the city, and the resolutions of the council, and of the authority of the city to enact the same.

Trial by and
formation of
jury.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons, and in suits commenced by warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Appeal to circuit
court.

SEC. 12. Any party convicted of a violation of any ordinance of the city, in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county in which the city is located by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for [such] each violations, either party may appeal from the judgment, or remove the proceedings by *certiorari* into the circuit court; and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city, and the resolutions of the council and of the provisions thereof.

Bond, proceed-
ings, etc.

Suits to which
city is party.

Judicial notice of
ordinances.

Fines, by whom
received.

SEC. 13. All fines imposed for the violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Penalty for neglecting to pay over.

SEC. 15. Fines paid into the city treasury, for violations of the ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Fines, disposition of.

Expenses, how paid.

SEC. 16. The circuit court for the county in which the city is located shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for [violations] violation thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as in prosecutions to recover penalties and forfeitures, and to punish violations of the criminal laws of the State, and the general laws of the State regulating prosecutions in criminal cases, and to recover penalties shall apply.

Circuit court to have jurisdiction in certain cases.

SEC. 17. The justices of the peace of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof; nor shall they sentence to imprisonment for a longer period than ninety days.

Concurrent jurisdiction.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any [person] persons other than an officer of the city, the court may require the prosecutor to file security for the payment of the costs of the proceedings in case the defendant is acquitted.

Security for costs.

CHAPTER XI.

GENERAL POWERS OF THE CITY CORPORATION.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

General powers, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct, or assemblages, and to punish for the same; to prevent and quell riots; to preserve peace and good order, and to protect

Vice or immorality, etc.

the property of the corporation, and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrancy, etc. *Second,* To apprehend and punish vagrants, drunkards, disorderly persons, and common prostitutes;

Nuisances, etc. *Third,* To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

Disorderly houses. *Fourth,* To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Billiard tables, etc. *Fifth,* To regulate and license billiard tables, nine or ten-pin alleys or tables, and ball alleys, and to punish the keepers thereof;

Gaming. *Sixth,* To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Ale, beer and porter houses. *Seventh,* To regulate ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof; and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the council shall prescribe;

Liquors. *Eighth,* To prohibit and prevent the selling or giving of any [spirituous,] spirituous fermented, or intoxicating liquors to any drunkard, or intemperate person, minor, or apprentice, and to punish any person so doing;

Sports, exhibitions, etc. *Ninth,* To license, regulate, restrain and prohibit all sports exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature, for which money or other reward is in any manner demanded or received; lectures on historic, literary or scientific subjects excepted;

Disturbances of meetings, etc. *Tenth,* To prevent and punish violations of the Sabbath day, and the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose, and to require all places of business to be closed on the Sabbath day;

Licenses. *Eleventh,* To license auctioneers, auctions, and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property, or anything at auction, or by any manner of public biddings, or offers by the buyers or sellers, after the manner of [auction] auctions sales or Dutch auctions, and to

license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue;

Twelfth, To license hawkers, peddlers, and pawnbrokers, Idem. and hawking and peddling; and to regulate, license, or prohibit the sale [or] of peddling [of] goods, wares, merchandise, refreshments, or any kind of property, or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle, or other device in the streets, highways, or in or upon the wharves, docks, open places or spaces, public grounds, or buildings in the city;

Thirteenth, To license and regulate wharf-boats, and to Idem. regulate the use of tugs and other boats used in the and about the harbor, and within the jurisdiction of the city;

Fourteenth, To establish, or authorize, license, and regu- Ferries. late ferries to and from the city, or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for the transportation of persons and property thereon;

Fifteenth, To regulate and license all taverns and houses Taverns. of public entertainment; all saloons, restaurants, and eating-houses;

Sixteenth, To license and regulate all vehicles of every Vehicles. kind used for the transportation of persons or property for hire in the city;

Seventeenth, To regulate and license all toll bridges within Toll bridges. the city, and to prescribe the rates and charges for passage over the same;

Eighteenth, To provide for and regulate the inspection of Inspection of meats, etc. meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions;

Nineteenth, To regulate the inspection, weighing, and Of brick, etc. measuring of brick, lumber, firewood, coal, hay, and any article of merchandise;

Twentieth, To provide for and regulate the inspection and Weights and measures. sealing of weights and measures, and punish persons violating such provisions;

Twenty-first, To enforce the keeping and use of proper Idem. weights and measures by venders;

Twenty-second, To regulate the construction, repair and Vaults, etc. use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;

Twenty-third, To prohibit and prevent, in the streets, or Indecent exposure, pictures, etc. elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings, and books or pamphlets; and all indecent or obscene exhibitions and shows of every kind;

Twenty-fourth, To regulate or prohibit bathing in the Bathing, etc. rivers, ponds, streams, and waters of the city;

- Purity of waters.** *Twenty-fifth,* To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith, of all drift-wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the water thereof impure, unwholesome and offensive;
- Offensive trades, etc.** *Twenty-sixth,* To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, cellar, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove or abate the same, whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of [said] the city;
- Dangerous materials.** *Twenty-seventh,* To regulate the keeping, selling, and using of gunpowder, fire-crackers and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the street and other open spaces in the city;
- Cellars, etc.** *Twenty-eighth,* To direct and regulate the construction of cellars, [slips] skips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;
- Frauds.** *Twenty-ninth,* To prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing, or attempting to manage, use, or practice the same, and all persons aiding in the management or practice thereof;
- Lotteries.** *Thirtieth,* To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing, or managing the same, or aiding in the maintenance, directing, or managing the same;
- Soliciting of passengers, etc.** *Thirty-first,* To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation;
- Fix charges.** *Thirty-second,* To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city, and to punish therefor;
- The poor.** *Thirty-third,* To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;
- Census.** *Thirty-fourth,* To restrain and regulate, or prohibit the running at large of cattle, horses, mules, swine, sheep, goats,
- Of cattle, horses, etc.**

poultry and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the costs of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinance in relation thereto;

Thirty-fifth, To prevent, or license and regulate, the running at large of dogs in the said city, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances; Dogs.

Thirty-sixth, To provide for licensing the keeping of dogs in the said city, at a sum or rate of not less than one dollar nor more than three dollars a year for each dog; and to provide for a badge or token to be carried by each licensed dog; and for the secure muzzling of licensed dogs; and for the killing and destruction, in a summary manner, of all dogs not licensed, wherever the same may be found within the said city, and of licensed dogs running at large in the streets, alleys, or public grounds, in said city; and to punish persons keeping unlicensed dogs; To be licensed.

Thirty-seventh, To regulate the burial of the dead and registration of births and deaths; to provide hospital and cemetery grounds; to direct the returning and keeping of bills of mortality; and to impose penalties on physicians, sextons and others, for any default in the premises; Burial of the dead.

Thirty-eighth, To prevent any person from bringing, depositing or having within the limits of said city, any putrid carcass or other unwholesome substance; and to require the removal or destruction of the same by any person who shall have upon or near his premises any such substances or any putrid or unsound beef, pork, fish, hides or skin of any kind; and, on his default, to authorize the removal or destruction thereof by some officer or officers of the city, at the expense of such person or persons; Putrid carcass.

Thirty-ninth, To control and regulate the use of steam whistles within the limits of the city; Steam whistles.

Fortieth, To compel the owners or occupants of buildings or grounds to remove dirt or rubbish from the street, or alley, public or private, opposite thereto; and to compel such [owner] owners or occupants to remove from the lots, owned or occupied by them, all such substances as the board of health or health officer shall direct; and on their default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owners or occupants, to be collected by special assessment upon such property; Dirt, rubbish, etc.

Forty-first, To make, establish and regulate public grounds, pumps, wells, sisterns, and reservoirs, and to purchase or provide for the erection and maintenance of water-works for the supply of water for the city and to the inhabitants, and to prevent the unnecessary waste of water; Public grounds, etc. Water-works.

Forty-second, To erect lamps and regulate the lighting thereof; and to provide for lighting the streets, public Lighting of streets.

grounds and public buildings, with electricity, gas or otherwise;

Vending of hay,
ice, wood, etc.

Forty-third, To regulate the weighing and sale of hay and the places and manner thereof; to regulate the cutting and sale of ice, and to restrain the sale of such ice as is impure; also to regulate the measuring and sale of wood, and the weighing and selling of coal and lime, and the places and manner thereof, and to appoint suitable persons to superintend and conduct the same, and define their duties;

Numbering of
buildings.

Forty-fourth, To compel the owners and occupants of all houses, stores and other buildings within the city of Menominee, to number the same in such manner as the common council may from time to time prescribe;

Noxious plants,
etc.

Forty-fifth, To declare the weed, commonly called the Canada thistle, and other noxious plants and weeds on lots, parts of lots and lands in the said city, a public nuisance;

Trees.

Forty-sixth, So direct and regulate the planting and preserving of ornamental trees in the streets and public grounds;

Who may be
arrested as
vagrants, etc.

Forty-seventh, To authorize the arrest, fine and imprisonment, as vagrants, of all persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors, or visitors at any gaming table, gambling house, house of fortune-telling, place for cock fighting, or other place of device; and all persons who go about for the purpose of gaming or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held;

Protection of
lawns, trees, etc.

Forty-eighth, The common council of the city of Menominee is hereby authorized and empowered to prescribe by ordinance the erection of guards and the kind of guards that shall or may be erected, to protect the turf laid by the said city or by the owner of the abutting lot or land, by direction or permission of said city, between the curb and the walk laid for the traveling foot passengers, and for trees set along the street for the purpose of ornamenting or beautifying any street in said city, and to prohibit foot passengers from using the space between the curb and the said sidewalk, for travel, or to tear down or injure such guards, and to prescribe proper penalties for the violation of any of the provisions of such ordinance; and any person who shall hereafter receive any injury by reason of his or her stepping

on the said space between the sidewalk and the curb, or by reason of his or her stepping, driving or running against any such guard erected to protect the same, if properly erected, shall be deemed guilty of contributory negligence and shall not recover any damages therefor;

Forty-ninth. To establish by ordinance when deemed expedient, a board of public works for said city, and to define and prescribe its powers and duties, and the number, qualifications and compensation of its members and the manner and time of electing or appointing the members thereof;

Board of public works.

Fiftieth. And further: The council shall have authority to enact all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, or for any purpose whatever.

Ordinances, regulations, etc.

SEC. 2. The council may prescribe the terms and conditions upon which license may be granted, and may enact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the council, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure, or by the mayor when by him deemed for the best interest of the city, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

Prescribe terms of licenses, etc.

License revocable.

SEC. 3. No license shall be granted for any term beyond the first Monday in June thereafter, nor shall any license be transferable; and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

License not transferable.

SEC. 4. All sums received for license granted for any purpose, by the city, or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

License money.

SEC. 5. The council shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways, or alleys of the city as now laid out or hereafter to be laid out, as the council may deem expedient, upon such terms and conditions, and subject to such regulations to be observed by the company as the council may prescribe, and to prohibit

Railroad crossings.

the laying of such track or the operating of any such road, except upon such terms and conditions.

Grade of streets.

SEC. 6. The council shall have power to provide for and change the location and grade of street crossings of any railroad track, to conform to street grades which may be established by the city from time to time; and to cause such companies to construct street and sidewalk crossings in such manner and with such protection to persons crossing thereat as the council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour; and to impose a fine not less than five nor more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Street and sidewalk crossings.

Flagman at crossings.

Speed of cars.

Railway companies to build crossings, etc.

SEC. 7. The council shall have power to require and compel any railroad company, and any street railway company to construct approaches for crossings, and sidewalk crossings and extend the same for the full width of the right of way of said company at its intersection of any street, highway, lane or alley in the city; to make, keep open and in repair, such ditches, drains, sewers, and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct; and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company, in a civil action before any court having jurisdiction of the cause.

Partition fences.

SEC. 8. The council is authorized to enact all such ordinances and laws as it may deem proper, relative to the building, re-building, maintaining, and repairing of partition fences by the owners and occupants of adjoining lots, inclosures, and parcels of land in said city; and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments, and divisions, when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers, and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

Fence viewers.

Poor persons.

SEC. 9. The council may make such provisions as they

shall deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor, for the city, and may prescribe his duties and vest him with such authority as may be proper for the due exercise of his duties. Director of the poor.

CHAPTER XII.

POLICE.

SECTION 1. The council may provide, by ordinance, for a police force, and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and night watchmen as they may think necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment, the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police, and night watchmen. Police force.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergency of the case may require, but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days. May make rules, etc.

SEC. 3. The city marshal, subject to the direction of the mayor, shall, as chief of police, have the superintendence and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council. Chief of police.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace, and pursue and arrest any person fleeing from justice, in any part of the State, to apprehend any and all persons in the act of committing any offense against the laws of the State, or of the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates Duty of police.

of any person known or believed by them to be guilty of the violations of the ordinances of the city, or of the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain, and to serve all process directed or delivered to them for service, and for such purpose the chief of police and every policeman and night watchman shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city or of committing crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violation of the ordinances of the city, and also within the limits of the city [any] and other process which, by law, a constable may serve.

Fees.

SEC. 5. When employed in the service of process, policemen shall receive the same fees therefor as are allowed constables for like services; when otherwise engaged in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received, and the amount received from each.

Mayor may suspend.

SEC. 6. The mayor may suspend any [policeman] police or night watchman for neglect of duty, misconduct, or other sufficient cause, and the council may remove from office any policeman appointed thereto at any time.

CHAPTER XIII.

CITY PRISON.

Council may provide.

SECTION 1. The council shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

May be kept at hard labor.

SEC. 2. All persons sentenced to a confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of imprisonment, either within or without the prison, under such regulations as the council may prescribe.

CHAPTER XIV.

PUBLIC HEALTH.

SECTION 1. The council may enact all such ordinances, Council may enact laws for preservation of. not inconsistent with the provisions hereof, as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent the introduction of malignant, infectious, or contagious diseases, within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits, or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

SEC. 2. The council shall constitute the board of health of the city, and shall have power to prevent and remove or abate Nuisances. all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice and within such time, and in such manner as the council may by ordinance or resolution direct, or as is herein provided. They shall appoint one of their number or Health officer. some other suitable person as health officer who shall be the executive officer of the board of health, and whose duty it shall be to see that the provisions hereof and of the ordinances of said city, relative to health, are fully enforced. He shall be appointed annually and shall receive such salary as shall be prescribed by the council.

SEC. 3. If any cellar, vault, lot, sewer, drain, place, or Cellars, vaults, etc. premises within the city shall be damp, unwholesome, or offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the health officer may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant, or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same, or the council may cause the same to be done by the proper officers of the city: *Provided*, Provido. That any person receiving any such instructions regarding the draining or filling of any lot, or the pulling down or removal of any such structure, may at once appeal therefrom to the board of health and have a hearing thereon before such board, and the said board shall decide upon the question so before them, and such decision shall control the action of the health officer in regard thereto.

Neglect to abate
nuisance, etc.

SEC. 4. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with the direction of the health officer or any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in any action of debt or assumpsit against such person, corporation, or company, or be collected by assessment against the property affected. And in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies [provided] provide for the recovery of such [expense] expenses, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon, or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises, and collected as a special assessment.

Offensive trades.

SEC. 5. The council, when they shall deem it necessary may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned and may change or revoke such assignment at pleasure; and whenever a business, carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Hospitals, etc.

SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide one or more hospitals, either within or without the city limits, and provide for the appointment of the officers, attendants, or employes for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or health officer of the city shall seem proper; and by direction of the board of health persons having any malignant, infectious, or contagious disease may be removed to said hospital and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Health officer,
powers of, etc.

SEC. 7. The health officer shall have power to appoint such workmen as may be necessary for the proper discharge of his duties, and they shall receive such compensation for their services as the said common council may fix. The

said health officer shall also have power to appoint from time to time as they may be needed, temporary special assistants for the purpose of maintaining quarantine, under his direction, over houses and premises in the city in which are persons affected with [the] small-pox or any other pestilential, contagious or infectious disease, subject to quarantine under the ordinances of the city. He shall also have power to cause all children attending private schools in the city, who shall not have been previously vaccinated, for the prevention of small-pox, to be so vaccinated, and to vaccinate at the expense of the city, with pure bovine virus, all children of such families as cannot, in his opinion, afford to vaccinate them, and to cause such children, upon refusal to be vaccinated, to be excluded from such private schools.

SEC. 8. The said health officer, or any person under him, *Idem.* shall have authority to enter into and examine at any time, all buildings, lots and places of all descriptions within the city, for the purpose of ascertaining the condition thereof so far as the public health may be affected thereby.

SEC. 9. The health officer shall give all such directions *Idem.* and adopt [all] such measures for cleansing and purifying all such buildings, lots and other places, and for causing the removal therefrom of all nauseous substances producing a disagreeable smell, or tending to cause sickness or disease as in his opinion shall be deemed necessary; and he may do or cause to be done whatever in his judgment shall be needful to carry out such measures. Every person who shall disobey any order of the health officer or decision of the board upon any order appealed from, which shall have been personally served upon him requiring him to abate or remove any nuisance, or to cleanse or purify any premises owned or occupied by him, in the manner or at the time described in the order, shall on complaint of the health officer, or any person serving such order before any justice court of said city, be liable to arrest and summary trial, and punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

Penalties for disobedience.

SEC. 10. It shall be lawful for the health officer in all cases where he may deem it necessary for the more speedy execution of his orders, to cause any such nuisance or nuisances, to be abated or removed at the expense of the city, and also to cause any such nuisance or nuisances, which may exist upon the property of non-resident owners, or upon property, the owners of which cannot be found, or unknown and cannot be ascertained, to be abated and removed in like manner, at the expense of the city, and the sum or sums so expended in the abatement or removal or such nuisance or nuisances in such cases shall be a lien, in the same manner as any tax upon real estate, upon the lots or premises from or upon which such nuisances shall be abated or removed; the council or health officer shall certify to the description of such

Abatement of nuisances.

Proviso.

Expenses, how paid.

Additional duties.

Idem.

property, and the cost of abating and removing such nuisance or nuisances thereon, and the council shall cause the amount thereof to be levied as a special assessment on such property; and payment thereof may be enforced in like manner as other special taxes upon real estate are levied and collected in said city: *Provided*, That the common council shall, from time to time, on application of said health officer, appropriate and set apart out of [the] contingent fund of said city such sums as the council in its discretion shall deem necessary for the purposes of this chapter; and the expenses which the said health officer are authorized by this section to incur, shall be paid exclusively out of the funds so provided by said city; and said health officer shall not be authorized to create any liability on the part of said city in excess of the sums which shall have been so appropriated and set apart as aforesaid for his use.

SEC. 11. It shall be the duty of the health officer to direct any bedding, clothing putrid or unsound meat, pork, fish, hides, or skins of any kind, or any other article found within said city which in his opinion, will be dangerous to the health [if] of the inhabitants thereof, to be destroyed or buried, and he may employ such persons as he may deem proper to remove or destroy such article, and every person who shall in any manner resist or hinder any person so employed shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding two hundred dollars, or imprisonment not exceeding six months or both. It shall also be his duty to procure suitable places for the reception of persons sick with any pestilential or infectious disease, and in all cases where sick persons cannot otherwise be provided for, to procure for them proper medical attendance and provisions, and to forbid and prevent all communication with any house, or family infected with [any] contagious or pestilential disease, except by means of physicians or nurses.

SEC. 12. It shall be the duty of the health officer, on complaint being made to him, or whenever he shall deem any business, trade or profession carried on by any person or persons, or corporation in the city of Menominee, detrimental to the public health, to notify such persons or corporations, to show cause before the board of health, at a time and place specified in such notice, why such business, trade or profession should not be discontinued or removed, which notice shall not be less than three days, except that in cases of epidemic or pestilence the health officer may by general order direct a shorter time not less than twenty-four hours, and may be served on the parties to be affected thereby by the health officer or any of the employés in his department or by the marshal, deputy marshal, or any police officer in said city in the same manner as provided by law for the service of a summons in civil actions. Cause may be shown by affidavit and if in the opinion of the board of health, no good and sufficient cause be shown why such

business, trade or profession, should not be discontinued or removed, the said board shall order said parties to discontinue or remove the same within such time as said board may deem reasonable and necessary, and the order of the board shall be final and conclusive, and shall be enforced by the health officer.

SEC. 13. Any person or persons failing or refusing to obey such lawful order of the board of health, or health officer, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment not more than one year or by both such fine and imprisonment and such person or persons shall be subject to like punishment for each and every day that he, she, or they [shall] continue such business, trade or profession, after the expiration of the time specified in the order for the discontinuance or removal of the same.

Failing to obey, a misdemeanor.

Penalty.

SEC. 14. In all trials for the violation of the provisions of this chapter, the certificate of any officer or the *ex parte* affidavit of any other person of service of any order, notice or requirement of the said board of health, or health officer, purporting to be made by the person who made such service, and stating the time, place, and manner of the service, shall be deemed and taken as *prima facie* evidence of the due service of such order, notice or requirement in all trials in any court.

Certificate of officer to be evidence.

SEC. 15. All fines mentioned in this chapter shall be collected as other fines, and when so collected shall be paid into the city treasury.

Fines, how collected.

SEC. 16. It shall be the duty of each and every practicing physician in the city of Menominee:

Duty of physicians.

a. Whenever required by the health officer of said city to report to said health officer, at such times and in such forms as they may prescribe, the number of persons attacked with any pestilential, contagious or infectious disease attended by such physicians for the five days next preceding, and the number of persons attended by such physician who shall have died within the forty-eight hours next preceding such report, of any such pestilential, contagious or infectious disease.

Idem.

b. To report in writing to said health officer every patient he shall have laboring under any pestilential, contagious or infectious disease, within twenty-four hours after he shall ascertain or suspect the nature of such disease.

Idem.

c. To report in writing to the health officer when by him required, the death of any person who shall have died of any disease, within twenty-four hours thereafter, and to state in such report the specific nature and type of such disease.

Idem.

SEC. 17. Any practicing physician, who shall neglect or refuse to perform the duties required of him by or in any section of this chapter shall be considered guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than two hundred and fifty dollars for

Penalties for neglect.

each offense. Any person prescribing for another person, shall, for the purpose of this chapter, be deemed a practicing physician and shall not be allowed to plead ignorance for failure to perform any duty herein required of a practicing physician.

Depositing filth
in stream a mis-
demeanor.

SEC. 18. Any person who shall deposit or knowingly cause to be deposited in any open stream or river, or in the water of Green bay, in the city of Menominee, any offal, garbage or filth or any refuse, obnoxious, odious, or unhealthful matter of any kind or nature whatever, from any factory, brewery, distillery, stock yards, slaughter-house, tannery, gas factory, glue factory, or other building, yard, or establishment of any kind whatever, located in said city, or the contents of any privy, privy vault or water-closet, except in cases of closets and privies connected with or emptying into the sewers of said city, in connection with which means are provided and employed for the abundant flushing of the same with clear water every time the same may be used, shall be deemed guilty of a misdemeanor, and for every such offense shall be punished by imprisonment in the county jail not more than three months, or by a fine not exceeding one hundred dollars or by both fine and imprisonment, as the court may determine. It shall be the duty of the health officer to rigidly enforce this provision of law.

How punished.

Compensation of
health officers.

SEC. 19. The common council of said city shall, in making their annual estimates and levy for the expenses of the city government, estimate and provide such sums as may be necessary for the compensation, of such officers and all other employes which the said board of health or health officer is authorized to appoint by this chapter, and for all other expenses incurred by said board or officer in the performance of the duties prescribed in this chapter, and such expenses shall be audited and allowed and paid as other expenses of said city.

Council to further
define duties.

SEC. 20. The common council of the city of Menominee shall have power to further define the duties of the board of health, and health officer, and to pass such ordinances in aid of the powers of their health officer as may tend to promote and secure the general health of the inhabitants of said city.

Special duty of
police.

SEC. 21. It shall be the special duty of the members of the police force of said city, and of all magistrates and civil officers and all citizens of the State, to aid to the utmost of their power, the health officer and the officers mentioned in this chapter, in the performance of their respective duties, and on requisition of the health officer, it shall be the duty of the city marshal to detail one or more of his deputies or of the [policemen] policeman of said city to serve the notices of said health officer, and to perform such other duties as such health officer may require.

Board of health,
council may
establish.

SEC. 22. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary

officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the general laws of the State, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health, or any officer thereof.

CHAPTER XV.

CEMETERIES.

SECTION 1. The city may acquire, hold, and own such cemetery or public burial place, or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere. May have cemeteries.

SEC. 2. The council may, within the limitations of this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, protection, and care thereof. Raise money for.

SEC. 3. Whenever the city shall own, purchase, or otherwise acquire any cemetery or cemetery grounds, the council shall appoint three trustees, who shall be freeholders and electors in the city, and who, with the city clerk, shall constitute a board of cemetery trustees. The three trustees so appointed shall hold their offices for the term of three years, except [that] at the first appointment one shall be appointed for one year, one for two years, and one for three years from the first Monday in May of each year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed, for inattention to his duties, want of proper judgment, skill, or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation. Trustees for.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the city clerk shall be clerk of the board. And the council may, by ordinance, invest the board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery [and] grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties Chairman and clerk of. Powers, etc.

herein mentioned the board shall perform such other duties as the council may prescribe.

Have care of cemetery.

SEC. 5. Said board, subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the city clerk. The board shall fix the price of lots, and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the city clerk and be recorded in his office at the expense of the purchasers.

Appoint superintendent and employees.

SEC. 6. Said board shall appoint the necessary superintendents and employes for the cemetery, and expend the money provided for the care and improvement of the grounds, enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

Cemetery fund.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury, and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose, except the purpose of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items, and purpose, expenditures and liabilities incurred and to whom paid, and to whom incurred; and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Annual reports to council.

Necessary ordinances.

SEC. 8. The council, if the city owns a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place, and the improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by the board of cemetery trustees.

Idem.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to, or under the control of any church, religious society, corporation, company, or association, and for the protection

and preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

CHAPTER XVI.

POUNDS.

SECTION 1. The council may provide and maintain one or more pounds within the city, and may appoint pound masters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts, geese, and other fowls found in the streets or otherwise at large, contrary to any ordinance of the city; and if there shall be no pound or pound master, they may provide for the impounding of such beasts, geese, and fowls, by the marshal in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound master.

Pounds and pound masters; restrain animals, etc., from running at large.

SEC. 2. The council may also prescribe the fees for impounding, and the amount or rate of expense for keeping, and the charges to be paid by the owner or keeper of the beasts, geese, or fowls impounded; and may authorize the sale of such beasts, geese, and fowls, for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beasts [or thing] impounded.

Fees, expenses of keeping, etc.

CHAPTER XVII.

HARBORS, WHARVES, AND HARBOR-MASTERS.

SECTION 1. The council shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, basins and canals, upon any lands or property belonging to or under the control of the city, and for that purpose the city shall have the use and control of the shore or bank of any lake or river within the city not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharfing, and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

Council to establish and control wharves, docks, etc.

SEC. 2. The council shall have the authority also to require and cause all docks, wharves, and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with [such] the grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

Authority of council.

SEC. 3. The council shall have the authority to provide, by ordinance, for the preservation of the harbor and the

Purity of waters may be preserved, etc.

purity of the waters of any harbor, river, or other waters within the city, and within one-half of a mile from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, logs, floating matter or any injurious thing; to control and regulate the anchorage, moorage and management of all boats, water-craft and floats within the jurisdiction of the city, to prescribe the mode and speed of approaching and passing bridges and entering and leaving the harbor and of coming to and departing from the docks, wharves and landing by boats, water-craft and floats, and to regulate and prescribe by such ordinances, or through a harbor-master or other officer, such location for any boat, craft, vessel, or float, and such changes of station in, and use of the harbor as may be required to promote order therein, and the safety and convenience of all such boats, crafts, vessels and floats, and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States and of this State as in the opinion of the council shall be most conducive to the orderly, safe and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers and landing places within the city, and may provide that any and all penalties, together with such costs and expenses as may be incurred by the city in enforcing such ordinance, shall be a charge upon the vessel, float or craft committing any offense against such ordinance.

Penalties, costs,
etc.

License tugs, etc.

SEC. 4. The council may also license and regulate the use of tugs, and prescribe the rates and charges of towage within the harbor or other waters of the city, and regulate the opening and passage of bridges.

Appoint certain
officers.

SEC. 5. The council may also appoint a harbor-master, wharf master, port-wardens and such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe in respect to and over the navigable waters, harbors, wharves, docks, landings and basins within the city, and in respect to the navigation, trade and commerce of the city, and prescribe the powers and duties of such harbor-masters, and other officers, and to fix the compensation to be paid to them.

CHAPTER XVIII.

FERRIES.

May license
ferries.

SECTION 1. The council may regulate and license ferries from the city or any place of landing therein to the opposite shore, or from one part of the city to another; and may require the payment of such reasonable sum for such license as the council shall deem proper; and may impose such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner and rate of carriage and transportation of persons and property as may be

proper; and provide for the revocation of any such license, Penalties. and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, and regulating those established and licensed.

CHAPTER XIX.

MARKETS.

SECTION 1. The council shall have the power to erect market houses, establish and regulate markets and market places Market houses and markets. for the sale of meats, fish, vegetables and other provisions and articles necessary for the sustenance, convenience and comfort of the inhabitants, to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the venders.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein. Council to adopt rules, etc.

CHAPTER XX.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

SECTION 1. The city may acquire, purchase and erect all such buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such building and grounds or any part thereof, may be sold, leased, mortgaged and disposed of as occasion may require. Of public buildings, grounds, etc.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works and other necessary public uses may be purchased, erected and maintained beyond the corporate limits of the city, and in such cases the council shall have authority to enforce beyond the limits, and over such lands, buildings and property, in the same manner, and to the same extent, as if they were situated within the city, all such ordinances and police regulations for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, [work-houses] work-house or hospitals. May be purchased beyond corporate limits of city.

Authority of
council over
parks, etc.

SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same, and the appurtenances thereof, from obstructions, encroachment and injury, and from all nuisances.

CHAPTER XXI.

SEWERS, DRAINS, AND WATER-COURSES.

Council may
construct.

SECTION 1. The council may establish, construct and maintain sewers and drains, whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they deem proper for the city, subject to the provisions herein contained; and private property or the use thereof may be taken [therefor] thereof or in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Sewer commis-
sioners.

SEC. 2. The council may, when they shall deem it expedient, appoint a sewer commissioner or a board of sewer commissioners for the city, to have the management of the sewers and the charge of their construction, and may by ordinance prescribe the [powers] power, compensation, terms of office and duties of such commissioner or board.

Plan of drainage.

SEC. 3. Whenever it may become necessary in the opinion of the council to provide public sewerage and drainage for the city or any part thereof, it shall be their duty to provide and adopt a plan for such drainage or sewerage; such plan shall be made with a view to the construction so far as possible of one general sewerage system for the whole city; but separate, additional, or branch [systems] system may be established where practicable.

Division into
districts.

SEC. 4. The council may, if they deem it expedient divide the city into main sewer districts, or set off any part of the city into a main sewer [district] districts, each such district to include one or more main sewers or one or more main branches of the general sewerage system as the case may be, which such districts shall be numbered and shall be so arranged as to most conveniently accommodate the construction and completion of a sewerage system or sewerage systems, for the whole of said city.

General system.

SEC. 5. In case of the establishment of a plan for a general system of sewerage for the whole or a large portion of the city, such plan shall show the districts, if any, into which such system is divided, and the numbers thereof respectively, and shall contain, as nearly as practicable, the streets, lots, part of lots, blocks and tracts of land therein, and show the location of the main sewers, or main branches of such general system in each sewerage district, and also the minor or lateral sewers, the man-holes, the catch basins, and their connections, the outlet

or outlets, and any flushing pipe or pumping stations that may be contemplated in connection therewith. In case the plan is for any additions to the general sewerage system it shall be made to show as nearly as practicable the details above specified, and also its position in relation to the general system and its connection therewith.

SEC. 6. The council shall establish the grade of sewers to be constructed and shall cause a profile of such grades to be made upon the plan or plans, above provided for, giving a sufficient number of bench marks and their elevations, and such other data as may be necessary in establishing such system or in making future surveys. In connection with such plan they shall provide specifications showing the sizes of main sewers in each part of the system and the depth thereof, and a detailed estimate of the cost of the main sewers of main branches within each district, and of any flushing pipe or pumping stations to be used in connection with the system, and before any minor or lateral sewers shall be laid the expense of which in whole or in part, is to be provided by special assessment upon the property to be benefited thereby; they shall also cause to be made detailed estimates of the expense of such minor or lateral sewers.

SEC. 7. Before proceeding to the construction of any public sewers or drains, the whole or any part of the cost of which is to be defrayed by special assessment, the council shall cause plans and specifications in accordance with the foregoing provisions to be filed in the office of the city clerk, and they shall give notice by publication for at least two weeks in one of the newspapers of the city of the intention to construct such sewers or drains, and of the general location thereof, and of the place where such plans and specifications may be found for examination, and of the time when the council will meet and consider any suggestions or exceptions offered by parties interested therein.

SEC. 8. After the giving of such notice and opportunity for such suggestions or exceptions, if the council shall determine to construct any such sewer or any portion of such system of sewers they shall so declare by resolution, designating by reference to such plat, and such other apt description as may be necessary, the drains or sewers to be so constructed, and shall also designate in the same resolution what part of the [estimated] estimate expense of such drain, sewer or sewers shall be paid from the general sewer fund, and what part shall be defrayed by special assessment.

SEC. 9. The council is hereby empowered to defray such part of the expense of constructing any sewers constructed in accordance with the foregoing provisions, not exceeding the limit hereinafter prescribed, by special assessments upon the property benefited thereby, according to benefits, and in case of the construction of main sewers, or main branches of the general sewerage system, prior to the construction of the minor or lateral sewers intended to be connected therewith, the

assessors shall take that fact into consideration in making such special assessments for the construction of such main sewers or main branches, and shall make suitable reductions on assessments of property that will be [subjected] subject to such special assessments for the construction of such minor or lateral sewers in connection therewith, so as, as nearly as possible, to equalize all the assessments to be made in the building of all such sewers; and it shall be lawful and the duty of the council in estimating the expense of constructing sewers in any sewerage district to cause to be considered and included a fair proportionate part of any expense incurred without that district in the construction of proper outlets for the sewerage system, and of flushing pipes, and any and all other parts of the system of sewerage that are for the benefit of the whole system. And it shall also be lawful for the council in their discretion to cause the whole estimated cost of the construction of the minor or lateral sewers and a fair proportionate cost of the estimated expenses of main sewers or drains, or main branches of the general system to be defrayed by special [assessment] assessments, and all the general system to be defrayed by special assessments, and all the residue of the actual expenses of such construction to be paid from the general sewerage fund.

Special sewer districts.

SEC. 10. When deemed necessary special sewer districts may be established within the general sewer districts for convenience in constructing minor or lateral sewers, or the council may, if in their opinion the same is sufficiently explicit, designate the sewers to be built by locating the same with reference to certain streets, and it shall not be necessary in the resolution or notice above provided for to [describe] described the property to be assessed for the construction of such sewer or drain, but notice of the location of the sewer or drain shall be sufficient notice as to the property that will be assessed therefor.

Special assessments.

SEC. 11. Special assessments for the construction of sewers shall be made by the board of assessors in the manner herein provided for making special assessments.

When owners petition for sewer.

SEC. 12. When the owners of a majority of the lands, liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer or drain therein the council shall construct a district sewer or drain in such location; and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

To advertise for bids, etc.

SEC. 13. After the common council shall have concluded to construct any sewer or drain, or any [system] systems of sewers or drains, in accordance with the provisions [hereof] herein, they shall cause advertisement to be made for the reception of bids to do the work so ordered, first causing complete specifications of the work to be done and the kinds and quality of materials to be used, to be filed in the office of

the city clerk to be used in connection with the plans theretofore filed, and shall let such contract after having so advertised the same, to the lowest responsible bidder, unless in their opinion a better contract can be made by private negotiation, and they shall require satisfactory security by bond for the carrying out of such contract.

SEC. 14. The cost of all sewers in street and alley crossings, and of all sewers, in excess of eighty cents per lineal foot of the frontage of each lot bordering thereon, [making] make in all one dollar and sixty cents per lineal foot of such sewer, and of all catch basins, overflow pipes, and of the repairing and cleaning of sewers, and all cost of constructing sewers not provided for by special assessment shall be paid for out of the general sewerage fund. Cost of, how paid.

SEC. 15. All contracts entered into under the provisions of this chapter, and the bonds to be taken thereon, shall be approved as to form and execution by the city attorney before such contract shall take effect. Contracts and bonds to be approved.

SEC. 16. Whenever the common council shall order the paving of any street in the city of Menominee in which water and gas mains and sewers or either of them shall have been previously laid and constructed, they may also by resolution require water and gas service pipes and house drains to be first laid in such street, at the cost of the property fronting such street, from the main sewer, water and gas mains in said street to the curb line on either side of the street, at such regular intervals as the council shall prescribe, not less than one to every lot or subdivision of a lot along the whole length to be paved, except at street and alley crossings, and they shall thereupon cause notice to be given to the owners or occupants of property adjoining such paved street, by publication thereof at least two weeks in one of the papers in said city requiring them to do such work opposite their respective lots in such manner as the council shall specify; and if such owners or occupants shall refuse or neglect to do the same within two weeks from the first publication of said notice the council may procure the same to be done and cause the expense of the same to be assessed to the lots or parts of lots fronting on such work in the manner provided herein for levying special assessments after the making of the improvements to be paid for thereby, and the same shall be levied and collected as other special assessments are levied and collected in said city. When streets are to be paved, etc.

SEC. 17. It shall be the duty of the council to see that proper drains or sewers are constructed from every lot in the city, which in their judgment requires it; and that such private drains or sewers are made to communicate with the public sewers in a proper manner and they shall have power to require such number of private drains and sewers to be constructed as they may deem expedient. They may prescribe the location, arrangement, form, materials and construction of every drain and sewer, for every lot in the city, emptying Notice to be given. If owners refuse or neglect. Private drains or sewers.

into the public sewers, and shall determine the manner and place of the connection of the same; they may require the work of construction in all cases to be under the superintendence of a person or board to be provided for by the council, and to be executed strictly in compliance with such superintendent's orders; but the costs of such private sewers or drains shall not be included in the estimate of the cost of the general plan of sewerage in any sewer district, and such cost shall be charged upon the lot or lots for the benefit of which such private sewers or drains are constructed.

When ordered by the council notice to be given,

SEC. 18. When any such private drains or sewers shall be ordered by the council to be constructed, they shall give the lot owners two weeks' notice, either by personal service or by a notice to be published for two weeks in one of the papers of said city, to construct the same within a reasonable time to be therein designated in accordance with specifications to be therein referred to; and in case any lot owner neglects to do the work required of him within the time specified in said notice then the city may cause the same to be done by contract, and the expense thereof levied and collected as a special assessment upon the lots benefited thereby, in the manner herein provided for levying and collecting special assessments.

Contractors may enter upon private property in constructing sewers.

SEC. 19. Any person who has taken any contract from the city for the construction of any drain or sewer, public or private, shall be authorized by himself or his employes to enter upon the lots through which such sewers or drains are to be constructed, with the necessary teams, means and material for doing the work in accordance with such contract, but such entry shall be made with the least reasonable inconvenience and damage to the owner or occupant of such premises, and all dirt, rubbish and materials occasioned by such work shall be by such contractor immediately [cleaned] cleared away and removed after the completion of the work.

Council to prescribe rules, etc.

SEC. 20. It shall be the duty of the council to prescribe rules and regulations under which owners or occupants of lots and premises shall have the right to connect private drains or sewers, at such owner's expense, with the public sewer and drains; and the owners or occupants of lots shall have the right to make such connections in conformity with such regulations.

Charges for.

SEC. 21. The council may charge and collect annually, from persons whose premises are connected by private drains with the public sewers, such reasonable sum not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises and may be collected by special assessment thereon, or otherwise.

Expense of repairs.

SEC. 22. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be

defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

SEC. 23. No person shall break open or make connections with any public sewer or drain except as herein or by the council prescribed; and any person who shall do so, or shall willfully obstruct, damage or injure any public or private drain or sewer in said city, or willfully injure any of the materials employed or used in said city for the purposes of sewerage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned in the county jail not to exceed three months, or both in the discretion of the court. Protection of.

SEC. 24. Any contractor, or other person, working under and in accordance with the directions of the council of said city may lay sewers in and through any alleys and streets of said city, and into the waters of the Menominee river and of Green bay: *Provided*, That it shall be the duty of such contractor to repair such streets or alleys, and all places through which such pipe may be so laid, and to restore the same to their former condition, upon the completion of such sewers. May lay in streets and alleys. Proviso.

SEC. 25. The city of Menominee shall have the right, so far as the State of Michigan is concerned, to take water from Menominee river at any point within said city and convey it through pipes for the purpose of flushing the sewers of said city, and may discharge the sewerage from its sewerage system into the waters of the Menominee river and Green bay in such places as may to the council of said city seem most advantageous. May take water from Menominee river, etc.

SEC. 26. The council may enact such ordinances, not inconsistent herewith, as may be necessary for the regulation, protection and control of the public and private drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city. Ordinances for protection and control.

CHAPTER XXII.

STREETS AND PUBLIC GROUNDS.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance. Council to have control of, etc.

SEC. 2. But the city shall not be responsible for the care, improvements, or repairs of any street or alley laid out or dedicated to public use by the proprietors of any lands, which had not been actually accepted, worked, and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose. When city not responsible, etc.

Power to open,
close, etc.,
streets.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the city, whenever they shall deem the same a public improvement; and if, in so doing, it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to, or benefited by such improvement, in the manner in this act provided for levying and collecting special assessments; or, in the discretion of the council, a portion of such costs and expenses may be paid by special assessments, as aforesaid, and the balance from the general street fund.

Expense of
improvements of.

How vacated.

SEC. 4. When the council shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when they shall meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk, in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Survey of, etc.

SEC. 5. The council may cause all public streets, alleys and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys, or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground, shall also be recorded in said book of street records, and the records shall be *prima facie* evidence of all the matters therein set forth.

Grades, etc.

SEC. 6. The council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley, or public ground, or any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Change of grade.

SEC. 8. If any damage shall result to any owner by a change of the established grade of any street, alley, sidewalk, wharf, or landing, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

Damage by reason of change of grade, etc.

PAVING AND IMPROVEMENT.

SEC. 9. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes, and alleys of the city; and for that purpose and for defraying the expenses thereof, may divide the city into street districts. The term paving shall be deemed to include the construction of cross-walks, gutters and curbing.

Council has power to pave, etc.

SEC. 10. Such part of the expenses of improving any street, lane, or alley, by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund, or from the street district fund, of the proper street district, or in part from each, or the whole or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises fronting upon that part of the street or alley so improved, or proposed so to be; or of lands fronting upon such improvement, and such other lands as, in the opinion of the council, may be benefited by the improvement.

How expenses of paid, etc.

SEC. 11. When expenses for any such improvement or repairs shall be assessed and there shall be lands belonging to the city, school buildings, or other public buildings, or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council, or board of assessors making a special assessment, would be justly apportionable to such public grounds, buildings, and city property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general [street] fund, or from the proper street district fund, or partly from each, as the council shall determine to be just, and the balance of such

In case of non-taxable property.

expenses shall be assessed upon the taxable lots and premises fronting on such improvement or improved street, in proportion to their number of feet frontage upon such improvement; or if the special assessment shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage, would be unjust and disproportionate to the assessments upon other lots, the council, or board of assessors making the assessment, may assess such lot for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

Obstructions and encroachments of streets, etc. SEC. 12. The council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets, and alleys of the city, and to remove the same; and to punish those who shall obstruct, incumber, encroach, or maintain any encroachments upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance, and encroachment.

Shade trees, etc. SEC. 13. The council may provide for and regulate the planting of shade and ornamental trees in the public ways, streets and avenues of the city and for the protection thereof; and may light the streets and public places and regulate the setting of lamps and lamp posts therein and protect the same.

Openings in streets, etc. SEC. 14. The council may regulate the making of all openings in and removal of the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Regulate use of streets. SEC. 15. The council may regulate the use of public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awning posts, and telegraph poles in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to cleanse and purify the streets, and

to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

SEC. 16. The council shall have power to levy and cause Poll tax. to be collected in each year, a poll or capitation tax upon every male inhabitant of the city, between the ages of twenty-one and fifty years, excepting the active members of the fire department, and such other persons as are exempted from the payment of such tax by the general law; and the council shall, by ordinance, prescribe the time and manner of assessing and collecting said tax, and the penalty for neglect or refusal to comply with the [provision] provisions of such ordinance. All taxes, moneys collected, and fines received by the city, pursuant to this section, shall be used exclusively for working and improving the highways, streets, lanes, and alleys of the city.

CHAPTER XXIII.

SIDEWALKS.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and cross-walks in the public streets and alleys and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks. Council to have control of.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe. May require construction of etc.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove and keep all snow, ice, dirt or rubbish from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances. Snow and other obstructions.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as When council may remove, etc

mentioned and prescribed in the last two sections, or shall fail to keep the same in repair; or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council, in respect to such sidewalk, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to or abutting upon such sidewalk.

Signs, etc.

SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and other things upon or over sidewalks, and to regulate and prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same, and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

Damages for injury, etc., who liable for.

SEC. 6. If any owner, occupant, or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

CHAPTER XXIV.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

What chargeable to general fund.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz.: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, market houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, lands appropriated for streets and rights of way, and public wharves and landings upon navigable waters, levees and embankments, shall be paid from the proper general fund of the city. When by the provisions of this act the cost and expense of any local or public improvement may be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter provided.

By special assessment.

Board of assessors, when member not to act.

SEC. 2. The board of assessors of the city shall act as assessors in making all special assessments: *Provided*, That when any one of the members of said board shall be directly interested in the property to be assessed it shall be the duty of the council to appoint some other suitable person, a resident of

said city, to act with the remaining members of said board in making such assessment, who for the purposes of such assessment shall be a member of such board.

SEC. 3. When the council shall determine to make any public improvement or repairs, in the laying of pavements, sewers or drains, or in any way improving the streets of the city, with the exception of building, altering or repairing sidewalks, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expenses thereof shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city, or from street district funds, and whether the assessment is to be made according to benefits or frontage, and in case the assessment is to be made according to benefits they shall by apt description designate the district, if a special district is set apart therein including the lands to be so assessed; or in case there is no district so set apart they shall describe definitely the location of the improvement and state that the assessment is to be made upon all the lands benefited thereby according to benefits; but in case the assessment is to be upon the property according to frontage, it shall be sufficient in said resolution to so state, with a definite location of the improvements to be made. It shall not be necessary in any case to describe minutely in the resolution each particular lot to be assessed, but simply to so designate the property, the district, or the location that the various parts to be assessed can be ascertained and described by the assessors. Special assessments.

SEC. 4. Before ordering any public improvement or repairs, Idem. as provided in the last preceding section, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the location of the improvement and as to whether the assessment will be made according to benefits or frontage, by publication for two weeks at least in one of the newspapers of the city, and of the time when the council will meet and consider any objection thereto. Unless a majority of the persons to be assessed shall petition therefor, no improvement or work shall be ordered to be paid for by special assessment, except by the concurrence of two-thirds of the aldermen elect.

SEC. 5. In case any sidewalk is ordered by the council to be built, altered or repaired, the whole or any part of the expense of which is to be defrayed by special assessment, notice shall be given to the owners of the property to be so assessed requiring them to make such improvement in accordance with the rules prescribed therefor, within thirty days from the date of service of such notice, which notice shall Notice to be given.

How served. be served personally on the owner or one of the owners of each separate parcel to be assessed, if known and to be found within the city, and if not so found within the city, then by posting such notice in a conspicuous and public place upon such property. In said notice it shall not be necessary to describe the property to be assessed, but simply to give the location of the improvement to be made. In case any person so required to make such improvement shall fail to do so within the time specified in said notice it shall be lawful for the city to cause the same to be made, and the reasonable cost and expense thereof to be assessed against the property abutting upon such improvements according to frontage. Such walk may be built in such manner as the council shall direct, and the person building the same shall, immediately upon the completion thereof, cause to be made and filed with city clerk a sworn statement of the cost thereof, together with a definite statement of the location of the improvement so as to show what property abuts thereon; where simple repairs are made the amount as to each lot shall be separately stated. The said statement may be referred by the council to the board of assessors and shall form the basis of their assessment upon such property, but they may reduce the same if by them thought excessive.

Sworn statements to be made.

SEC. 6. In all cases where the health officer or other officials of the city, or the city council, are authorized to do, or cause to be done, certain things, the whole or any part of which may be charged as a special assessment upon property, and where special provisions for making the levy are not herein made, the council may cause sworn statements of the cost thereof and of the location thereof to be made and filed as provided in the last section, and may, at their option, refer the same to the board of assessors and have the same assessed against such property.

Costs of.

SEC. 7. The cost and expenses of any improvement which may be defrayed by special assessment shall include the costs of survey, plans, assessments, and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty per cent of the value of such lot or land, as last before valued and assessed for State and county taxation in the general tax roll; any cost exceeding that per cent, which would otherwise be chargeable on such lot or premises, shall be paid from the general funds of the city. The council shall prescribe the fees that may be charged in the work of making any special assessment as a part of the assessment.

Limit.

Duty of board of assessors.

SEC. 8. At any time after the passage of the resolution above provided for, or when any statements herein provided for forming the basis for a special assessment, shall be on file with the city clerk the council may refer the same to the board of assessors with directions for making an assessment therefor, and upon receiving such reference and directions the board of assessors shall make out an assessment roll, entering and

describing therein all the lots, premises, and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this act applicable to the assessment.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits they shall assess upon each lot within the district specified or that may be benefited by the improvement so located as the case may be, such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

How assessments
to be made.

SEC. 10. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, and in all cases of building, altering, or repairing sidewalks and of abating and removal of nuisances, except as herein otherwise provided, filth or rubbish, on account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred and the name of the owners or person chargeable therewith, if known, shall be reported immediately to the city clerk.

When on single
lot, etc.

SEC. 11. The council shall determine what amount, or part of every such expense, shall be charged and levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith, so reported, respectively to be reported by the city clerk to the board of assessors for assessment.

Council to deter-
mine amount of,
etc.

SEC. 12. Upon receiving the report mentioned in the preceding section, the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid, to be levied upon each of such lots or premises respectively.

Boards to make
special roll.

SEC. 13. When any special assessment shall be made by the board of assessors, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered.

Notice of review
of special assess-
ment.

And the board of assessors shall cause notice to be given to the parties interested by serving the same personally upon the owner or occupant of the property to be assessed, or in lieu thereof to be posted in three conspicuous public places on or near the improvements made or to be made, and published for two weeks at least, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time and place when the board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk.

Board to review,
etc.

SEC. 14. At the time appointed for that purpose as aforesaid, the board of assessors shall meet, and there, or at some adjourned meeting, review the assessment, and shall correct the same if necessary, and shall immediately thereafter report the same to the council. Upon the receipt of such report by the council it shall be laid over until the next regular meeting, and at any subsequent meeting the council may confirm it as reported, or they may refer the assessment back to the board for revision, or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the city clerk shall indorse a certificate thereof upon the roll, showing the date of confirmation. At any time prior to the confirmation of such report by the council any person feeling aggrieved thereby may lay his grievance before the council, and the council may alter or correct the assessment as they may think proper, or refer it back to the board as above provided.

When confirmed
to be final.

SEC. 15. When any special assessment shall be confirmed by the council it shall be final and conclusive, except in case of appeal as hereinafter provided for, but no such assessment shall be confirmed, except by the concurrence of two-thirds of the aldermen elect.

To constitute a
lien.

SEC. 16. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person or persons to whom assessed until paid.

May be divided
into installments.

SEC. 17. Upon the confirmation of any special assessment the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate to be fixed by the council, not exceeding eight per cent; and the city clerk shall keep a record showing all such assessments; and the owners of the property may at any time discharge such lien by paying the tax with interest to the date of such payment to the city treasurer, and the treasurer shall thereupon notify the council of such payment and the city clerk shall note upon the record of such tax the fact of the payment thereof.

When due and
payable.

SEC. 18. All special assessments, except such installments thereof as the council shall make payable at a future time, as

provided in the preceding section, shall be due and payable upon confirmation.

SEC. 19. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment, as the same shall become due, with the accrued interest upon all unpaid installments, included and assessed therein. Such special rolls may be made and confirmed without notice to the person or persons assessed. Special roll to be made.

SEC. 20. Should any lots or land be divided after a special assessment thereon has been confirmed, and divided into installments, and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts and lots of land so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or land shall be according to such division. When lots are divided.

SEC. 21. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional *pro rata* assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid. In case of insufficiency or surplus.

SEC. 22. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of any irregularity, or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment; and whenever any sum, or any part thereof, levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on such premises, and the re-assessment shall, to that extent, be deemed satisfied. In case of invalid assessment.

SEC. 23. No judgment or decree, nor any act of the council, vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitable charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon. Lien to hold.

SEC. 24. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council shall direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special When confirmed.

assessment roll, therein commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and return said roll and warrant, together with his doings thereon, in sixty days from the date of such warrant.

Treasurer to collect, etc.

SEC. 25. Upon receiving said assessment roll and warrant the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notice in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five *per centum* upon the amount of the assessments for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

To make return, etc.

SEC. 26. The city treasurer shall also make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid and the amount unpaid on each.

Warrant may be renewed.

SEC. 27. Said warrant may be renewed from time to time by the city clerk, if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the city treasurer unpaid as aforesaid, the same may be certified to the city clerk and he shall cause the same to be carried by the proper officers onto the next annual or general tax roll, including ten per cent interest thereon from the date of the confirmation of the assessment to the first day of February then ensuing, as a special city tax against said property, and like proceeding shall be had for the collection thereof as is had for the collection of general taxes, including return thereof by the treasurer and sale of the property for satisfaction thereof.

May be sued for.

SEC. 28. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of *assumpsit*, in any court having jurisdiction of the amount. In every such

action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

SEC. 29. Any person feeling himself aggrieved by any assessment so confirmed by the council may appeal therefrom to the circuit court at any time within sixty days from the date of such confirmation, by giving notice of such appeal with a statement of his reasons therefor, and by filing with the city clerk a bond in a sum not less than fifty dollars and at least double the amount assessed against him conditioned to pay such taxes and costs as shall be adjudged against him. The city clerk shall thereupon file the said notice and bond with the clerk of the circuit court, and the circuit court may hear, try and determine the facts and render judgment therein. Appeal shall be the only remedy for complaint against such assessment.

May appeal to circuit court.

SEC. 30. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant, or upon the lots of premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

When assessment not properly made.

CHAPTER XXV.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use in the city: For the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places, and spaces; for public wharves, docks, slips, basins, and landings on navigable waters, and for the improvement of water-courses for sewers, drains, and ditches; for water-works and for necessary public buildings, hospitals, pest-houses, and public cemeteries. But such property shall not be taken thereof without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor shall be determined by a jury of twelve freeholders, residing in the city; nor shall any improvement requiring the taking of private property be made, except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

For what purpose may be taken.

Without consent of owner, etc.

Proceedings in
taking private
property.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the nature of the proposed improvement, and the location thereof; and, shall in the same resolution, designate a justice of the peace of the city to whom an application will be made, at a time therein to be stated, for the impaneling of a jury to ascertain the necessity of using said property, and the just compensation to be made therefor; and shall cause to be made and filed in the office of the city clerk a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken and its position in relation to adjoining lands, which plat shall have some appropriate name indorsed thereon by which it may be designated, and the separate parcels of land sought to be taken shall be numbered thereon consecutively.

Certified copy of
resolution to be
filed with justice.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution and mention of the filing of said plat, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application, and a copy of said notice and resolutions shall be served personally by the city marshal, his deputies, one of the constables of the city, or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, if he be found within the county, and upon the guardian of any minor or incompetent person interested therein, if known and to be found within the city, or elsewhere in the county; and if any such guardian, owner, or person interested in the premises, shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken ten days before making the application, and return by the officer of the fact of the service or posting of copies of said notice and resolution, designating the number of the parcels of land as indicated on the plat in connection with each service or posting, which return shall be conclusive as to the matters therein stated and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before, or at the time of making said application; and after the publication and service or posting of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of, and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided; and any irregularities as to description of parcels shall not prejudice the proceedings hereunder.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal, his deputy, a constable of said city, or sheriff of the county, to make a list of the names of twenty-four disinterested freeholders residing in said city competent to serve as jurors, providing that no person shall be termed interested within the meaning of this section simply by reason of his being a taxpayer in said city. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal, or sheriff of the county, to summon the twelve persons whose names remain upon said list, to appear before said justice, at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal, his deputies, a constable of the city, or sheriff, as in other cases of *venire*. Said jurors shall be liable for non-attendance, the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

SEC. 5. At the time of making the application to the justice for the empaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but in all cases where owners of property in question are known to be infants or incompetents and their names are known, if there should be no guardian, or if no such guardian shall appear to represent such infant, or incompetent person, the justice, before proceeding with the matter, shall, without further notice, appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed, and the appearance of such guardian *ad litem* shall have the same effect as in a suit at law.

Infant, etc., to be represented by guardian.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or other officer specified to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party, and every person having any interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels [or] of land sought to be taken for the purpose set forth in said

In case a sufficient number of jurors do not attend, etc.

resolution, and if taken to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Jury to have copy
of notice, etc.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of said notice and resolution of the council and the map or plat of the proposed improvement, which he may take from the clerk's office for that purpose; and any person claiming an interest in any of the lands sought to be taken, may then file with the justice a statement of his interest in, and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Jury to examine
premises.

SEC. 8. The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and thereafter on the same day or at such time and place as the hearing shall be adjourned to, testimony may be produced before them under the direction of the court, and arguments made, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provision of this chapter relating to their duties.

To consider each
parcel separately,
etc.

SEC. 9. The jury shall consider separately each parcel of land sought to be taken as shown by the plat or map. If they shall find it necessary to take the same or any part thereof for the purpose of said improvement, they shall so decide and shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement; and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, [mortgagees] mortgages, lessees, or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Jury to make
report in writing,
etc.

SEC. 10. The jury shall make a report of their determination and awards in writing. They shall describe therein, by metes and bounds or by reference to said plat or other apt description, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damage occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken and the net amount awarded as damages and compensation therefor; the name of owner and of any persons having separate claims thereon by mortgage, lease or otherwise, to whom said damages are awarded, and the amount awarded to each at the date and the description of any mortgage, lease, or lien, by virtue of which such claim is made. When conflicting claims

are made to any damage awarded, the jury, without deciding between the claimants, shall report the fact, their names and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the empaneling of the jury.

SEC. 11. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report, and all the proceedings had in the cause before him in his docket. Report to be entered in docket.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may upon the motion of the city attorney, empanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications, and be sworn and exercise the same duties as the other jurors of the panel. When jury disagree.

SEC. 13. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the empaneling of the jury making the report, the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such [report] reports shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section. Judgment of confirmation.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to affect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal. Appeals to circuit court.

Bill of excep-
tions.

SEC. 15. At [the] any time of filing said claim of appeal, the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected according to the facts [of] in the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Circuit court to
have juris-
diction.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing on account thereof, the [court shall remand the case, so far as effects the appellant, to] said justice, and a new jury may be called and the like proceedings had, as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When court shall
confirm.

SEC. 17. Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

Certified copies.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired and to confirm the same.

SEC. 19. Within six months after [the] judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them, as finally confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property, shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

Payment to be made within six months after confirmation.

SEC. 20. Upon the payment, tender, or deposit, mentioned in the preceding section, the fee of the land sought to be taken, or the use thereof as the case may be, with the appurtenances and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the treasurer of such payment, tender or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

Title shall vest in the city.

SEC. 21. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

Real estate under lease, etc.

CHAPTER XXVI.

FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city organized under this act shall commence on the third Monday of March, each year, unless otherwise provided by ordinance.

Fiscal year.

SEC. 2. The council of the city shall have authority, within the limitations herein prescribed, to raise annually by taxation, within the corporation, such sum of money as may be necessary to defray the expense and pay the liabilities of the city, and to carry into effect the powers in this act granted.

Authority of council to levy tax.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided in the following general funds:

Revenue divided into funds.

- Contingent fund.** *First*, Contingent fund, to defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;
- Fire department.** *Second*, Fire department fund, to defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;
- General street.** *Third*, General street fund to defray the expenses of opening, widening, extending, altering, and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing and cleaning the streets, alleys, and public grounds of the city, and for the construction and repair of sidewalks and cross-walks, and for the care thereof;
- General sewer.** *Fourth*, General sewer fund, to defray the expenses of sewers, drains, ditches, and drainage, and the improvement of water-courses;
- Bridge.** *Fifth*, Bridge fund, for the construction and maintenance of bridges;
- Water.** *Sixth*, Water fund, for construction of reservoirs and cisterns, and providing other supplies of water;
- Public buildings.** *Seventh*, Public building fund, for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation, and repair of any such public buildings, city hall, offices, prisons, watch-houses, and hospitals, as the council is authorized to erect and maintain, and not herein otherwise provided for;
- Police.** *Eighth*, Police fund, for the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;
- Cemetery.** *Ninth*, Cemetery fund;
- Interest and sinking.** *Tenth*, Interest and sinking fund, for the payment of the public debt of the city and the interest thereon;
- Other funds.** *Eleventh*, Such other general funds as the council may, from time to time, constitute.
- Special funds.** SEC. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:
- Street district.** *First*, A street district fund for each street district, for defraying the expenses of grading, improving, repairing, and working upon the streets therein, and for the payment of all street expenses which the council shall charge upon each street district;
- District sewer.** *Second*, A district sewer fund for each main sewer district, for the payment of the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts;
- Special improvement.** *Third*, Special assessment funds, any money raised by special assessment, levied in any special assessment district or special sewer district, or otherwise, to defray the expenses of any work, paving, improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it is raised.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted, exclusive of taxes for school and school-house purposes, shall not, except as herein otherwise provided, exceed, in any one year, one per cent. Limit of general tax.

SEC. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving, and repairing, and cleaning the streets of the district, and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-fourth of one per cent of the assessed value of the taxable real and personal property in the district. Street district tax.

SEC. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts, and as otherwise herein provided, for the purpose of grading, and paving, curbing, graveling, and otherwise improving the streets, and for constructing sewers and drains, and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any one year five per cent of the assessed value of the property in the sewer district, as the same shall have been last assessed for general taxation purposes. Special improvement tax.

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer. Sewer tax.

SEC. 9. The council may also raise such further sum annually, not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city, and the interest thereon. Of interest and sinking fund tax.

SEC. 10. It shall be the duty of the council to cause estimates to be made in the month of September, in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving and repairing the streets in the several street districts of the city. Estimate of expenditures.

Deficiencies.

SEC. 11. The council shall also, in the same month, determine the amount required to be raised in the next general tax levy, to meet any deficiencies for the current year; also, the amount or part of any assessment which they require to be levied or re-assessed in the next general tax rolls of the city upon lands in any main, sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

Annual appropriation bill.

SEC. 12. The council shall also, in the said month of September, pass an ordinance to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds, and from the street district fund, as estimated and determined upon, as provided in section ten of this chapter, and order the same, or so much of said amounts as may be necessary, to be raised by tax with the general tax levy, or by loan, or both, and to be paid into the several general funds, and street district funds of the city; but the whole amount so ordered to be raised by tax, or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and nine of this chapter to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds, and street district funds. The council shall also designate in the appropriation bill, the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or any part of any special assessment or other sum which they require to be levied or re-assessed with the next general tax, as mentioned in section eleven of this chapter, and the disposition to be made of such moneys; and shall also designate in said bill, any local improvements which they may deem advisable to make, during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

Clerk to certify to supervisor.

SEC. 13. All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, shall be certified to the clerk of the board of supervisors of the county, on or before the first Monday of October and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied in the city.

May make further appropriation by vote of people.

SEC. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated, nor shall any further liability be incurred for any purpose to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition, at the next annual city election. But this [section] election

shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which it is caused by casualty or accident happening after making the annual appropriation for the year, and from loaning the money therefor; or from borrowing on notes or bonds of the city any sum not to exceed three thousand dollars, which amount the council is hereby authorized to borrow at legal interest for a period not to exceed three months and during the last quarter of the fiscal year, in case the same shall be required to meet the deficiencies in any appropriation or fund.

SEC. 15. No improvement, work, repairs or expense to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered commenced, or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred in any such year, for any such work, improvement, repairs or for any [purpose] purposes exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general or street district fund, for any purpose, unless appropriated for that purpose in said bill, or raised in pursuance of the provisions [hereof] thereof.

No improvement to be made, etc., unless appropriation has been made therefor.

SEC. 16. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided to be made from the general fund, or except as is herein authorized to be made and paid for by special assessment in manner herein provided, until a tax or assessment shall have been levied to pay the cost and expense thereof.

No public work, etc., to be commenced unless tax has been levied.

SEC. 17. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner, in any year, for the purpose of the general and street district fund, the council may, in its discretion, raise a part thereof by tax, and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Part may be raised by tax and part by loan.

SEC. 18. The council shall also have authority to raise money by loan in anticipation of the receipts from any special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied, or provided to be levied. Such loan shall not exceed the approximate amount of the assessment for the completion of the work, and bonds may be issued therefor by the council for such time approximately, in installments or otherwise as may be allowed by the council for the collection of such special assessments and such bonds may be made to bear legal interest and may be issued by a vote of the council without submitting the question to a vote of the people.

Council may borrow.

SEC. 19. Should any greater amount be required in any year for the purpose of erecting public buildings, or for

Greater amount may be raised by tax or loan.

the purchase of ground therefor, or for other public improvements, or purposes to be paid for from the general funds of the city, than can be raised by the council, under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors, being freeholders in said city voting upon the question at an annual city election or a special election to be called for that purpose. The amount that may be raised by tax in any year, under the provisions of this section shall not exceed one per cent of the assessed valuation of the property in the city, as shown by the last preceding tax rolls made therein. The aggregate amount of existing loans under the provisions of this section shall at no time exceed the sum of two hundred thousand dollars.

If authorized by vote.

Limit.

Limit of loans.

Must be submitted to vote of electors.

Notice to be published.

Funds to be kept separate.

SEC. 20. The proposition to raise such additional amount shall be submitted to a vote of the electors, being freeholders in said city by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

SEC. 21. All moneys and taxes raised, loaned, or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to another fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Money, how drawn from treasury.

SEC. 22. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk, countersigned by the mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

When warrant not to be drawn.

SEC. 23. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred, and payable from such fund, are sufficient to exhaust it. Any warrant, draft, or contract payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

Of loans.

SEC. 24. No loans shall be made by the council, or by its

authority, in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may [be] issued, bearing a legal rate of interest. No such bond shall be made payable at a longer period than twenty-five years, from the date of its issue. A record of such bonds showing the dates, numbers and amounts issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

SEC. 25. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year, for all purposes, and the amount raised for each fund, the amount levied by special assessments, and the amount collected on each, and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all other sources during the year, and the object thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Council to audit and settle accounts, etc.

SEC. 26. Said statement signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in one of the newspapers of the city, at least five days previous to the next annual city election.

To be filed and published.

SEC. 27. If any officer of the corporation shall directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised, or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted thereof, and, on conviction, may be punished by fine, not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court.

Misappropriation of funds.

CHAPTER XXVII.

ASSESSMENT AND COLLECTION OF TAXES.

Assessors to
make assess-
ment.

SECTION 1. The board of assessors of said city shall in each year make and complete an assessment of all the real and personal taxable property within the city and subject to assessment therein under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the actions of supervisors of townships performing like services, except as herein otherwise provided; and in other respects they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the actions and duties of supervisors in townships, in the assessment of property and such assessment shall be classified by wards.

When persons
claim residence
elsewhere.

SEC. 2. If any person residing in the city a part of the time during the year shall, in the opinion of the board of assessors, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in such city, said board shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the officer requiring payment of such tax, a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that that person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

Personal prop-
erty to be
assessed where
found.

In case of doubt,
etc.

SEC. 3. All personal property found in any ward may be assessed therein, whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Assessors to
confer together.

SEC. 4. For the purpose of assessing all property equally in the whole city, the board of assessors shall meet and confer together, and act together so far as possible while making their assessment, and equalize their valuations in such manner as may be just, and in case of a disagreement as to the amount at which any property shall be assessed the vote of a majority shall control the actions of the board.

Board of review.

SEC. 5. The supervisors of the several wards, together with the city attorney and board of assessors, shall constitute a

board of equalization or review of assessments. At the time appointed by law for the review of assessments made by supervisors of townships, the said board of review shall meet at the office of the city clerk, and there proceed to review and correct the assessments made by the board of assessors, and for that purpose said board shall have the same powers and perform the same duties in all respects as supervisors of townships in reviewing and correcting assessments made by them. Said board of review shall continue in session not less than three days for the purpose of completing such review, and may adjourn from time to time until completed. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the city clerk by publication in one of the newspapers of the city at least one week before the time for the review. At such meetings the board of assessors shall be present to justify their assessment but shall have no vote, and the city attorney shall be present when required, but shall have no vote except in case of a tie in the votes of the supervisors present.

Notice of meeting.

Assessors to be present.

SEC. 6. When the board of review shall have reviewed and corrected the assessment rolls of the several wards, they shall, in addition to the certificate required to be made by the board of assessors, add their own certificate to each roll, signed by at least a majority of them, showing that they have reviewed the roll, and within thirty days thereafter they shall deliver the assessment roll to the city clerk, to be filed in his office for the use of the council. The board of equalization or review shall have authority to equalize, alter, amend, and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held, or owned by any person or persons, and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment; and where under the provisions hereof the board of assessors are empowered to assess property or use their discretion in such assessment, the like power is hereby conferred upon the board of review in adding to or taking the same from the roll.

To attach certificate.

Authority to equalize, etc.

Concurrence of majority sufficient.

Powers, etc.

SEC. 7. On or before the first Monday in October in each year the city clerk shall certify to the county clerk of the county in which the city is located, the aggregate amount of all sums which the council require to be raised for the year for all purposes, by general taxation upon all the taxable property of the whole city.

City clerk to certify amount.

SEC. 8. Said county clerk as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, among the several wards of the city, according to the valuation of the property appearing upon the assessment rolls of said several wards of the city for such year, as equalized by the board of supervisors and certify to the city clerk of said city for assessment therein the amounts so apportioned to the several wards within five days after the board of supervisors of the county shall have com-

County clerk to apportion amount to wards.

pleted the equalization of the valuation of the property in said wards, and in the townships of the county for the year.

City clerk to levy taxes.

SEC. 9. The city clerk, at the time of levying State and county taxes in the city for the year, shall levy in the same roll, upon all the taxable property in the city the amounts certified to him by the clerk of the board of supervisors, as provided in section eight of this chapter, to be raised for the city, and also for school and library purposes, placing the city taxes in one column, and the school, library, one-mill, and school-house taxes in another column; and he shall also levy in the same roll, upon the lands, property, and persons chargeable therewith, all special assessments and sums, whether for assessment or re-assessment, in street districts, main or special sewer districts, or for other special assessments, placing all such taxes in a column of special assessments and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column.

Clerk to certify to Treasurer.

SEC. 10. The city clerk, upon completing the rolls, shall certify to the city treasurer the amounts of taxes levied in the rolls for State and county purposes, and he shall charge the amount thereof to the city treasurer. The city treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, the city clerk shall deliver the tax rolls, with the taxes extended therein as aforesaid to the city treasurer, with his warrants for the collection of the taxes therein annexed thereto.

Treasurer to give bond.

Warrants.

SEC. 11. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and the warrant shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Taxes a lien.

SEC. 12. All taxes levied in any ward tax roll shall be and remain a lien upon the lands upon which they are levied, until paid.

How collected.

SEC. 13. For the collection of all taxes the city treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall, for that purpose, have all the powers and authority conferred by law upon township treasurers for such purposes, and shall, when necessary, enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.

Unpaid taxes, how collected.

SEC. 14. The county treasurer may issue new warrants to the city treasurer for the collection of taxes, in the same manner and in the same cases, and with the same effect, as such new warrant may be issued to township treasurers.

The city treasurer may, and it shall be his duty, to proceed by suit in the name of the city for the collection of unpaid taxes, in the same cases, and under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and evidence therein, brought by township treasurers in the name of their township, for such purpose, shall apply to suits brought by the city treasurer as aforesaid.

SEC. 15. For the purpose of assessing and levying taxes Of assessing and levying taxes. in the city for State, county, school, and library purposes, each ward shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships, shall apply to the collection of taxes levied and assessed in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided. For the collection of all taxes under this act the city treasurer shall be entitled to and shall receive the same emoluments and fees as are by law provided for township treasurers in rendering like services, except as herein otherwise provided.

SEC. 16. All the provisions of law respecting delinquent Of delinquent taxes. taxes levied in townships, shall apply to all taxes levied in the city, and be returned as delinquent to the county treasurer; and the city, in respect to taxes levied therein, and returned to the county treasurer as delinquent shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands for the payment of taxes levied for State, county, and township purposes, and return delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in the city, except as herein otherwise provided.

CHAPTER XXVIII.

EDUCATION.

SECTION 1. The city shall be a school district under the city to be a school district. name of the school district of the city of Menominee, which district shall be a body corporate for school purposes, and as to all matters pertaining to public schools it shall be subject to and governed by the laws of the State of Michigan relative to the system of graded schools.

CHAPTER XXIX.

FIRE DEPARTMENT.

SECTION 1. The council shall have power to enact such Council to enact ordinances. ordinance, and establish and enforce such regulations as they shall deem necessary to guard against the occurrences of fire

and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescribing the powers and duties of such employés, firemen, and officers.

Purchase
engines.

SEC. 2. The council may purchase and provide suitable fire engines, and such other apparatus, instruments, and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

Provide build-
ings, etc.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams, and fire apparatus of the department.

Engineer, etc.

SEC. 4. The engineer of the fire department shall be chief of the department and subject to the direction of the mayor; shall have the supervision and direction of the department, and the care and management of the fire-engines, apparatus, and property, subject to such rules and regulations as the council may prescribe; and the council may appoint such assistant engineers and other officers of the department as may be necessary.

When and how
assistance may
be commanded.

SEC. 5. The fire engineer, mayor, chief of police, and any alderman or officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest, or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinances of the city.

Fire wardens.

SEC. 6. The council may provide by ordinance for the appointment of, and may appoint such number of fire-wardens as may be deemed necessary; and for the examination by them, from time to time, of the stoves, furnaces and heating apparatus, and devices in all the dwellings, buildings, and structures within the city, and in all places where combustibles or explosive substances are kept; and to cause all such as are unsafe, with respect to fire, to be put in a safe condition.

Fire limits.

SEC. 7. The council may prescribe by ordinance, from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings

within such districts, with respect to protection against fire, and the material of which the outer walls and roof shall be constructed.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowders, oils, and other combustibles and explosive substances, and the use of lights in buildings; and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires. Prohibiting hazardous buildings.

SEC. 9. Every building or structure which may be erected, placed, enlarged, or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council. What may be declared a nuisance.

SEC. 10. The officers, firemen, and employes of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire. Compensation of members.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by an agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed. Buildings may be pulled down, etc.

SEC. 12. The council of said city may by ordinance prescribe such regulations to be observed by owners, masters, and employes of steamboats and water-craft upon any navigable waters adjacent thereto as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft; and may prescribe in such ordinance the manner of collecting any penalties imposed thereby. Harbor fires, prevention of, etc.

CHAPTER XXX.

MISCELLANEOUS.

How process to
run, etc.

SECTION 1. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk, or city attorney, at least ten days before the day of appearance mentioned therein.

Plats of land, etc.

SEC. 2. No lands or premises shall hereafter be laid out, divided, and platted into lots, streets, and alleys within the city, except by permission and approval of the council by resolution passed for that purpose, nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets, and alleys, with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of register of deeds until a certificate has been indorsed thereon by the city clerk, under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city, by reason of such approval, be responsible for the improvement, care, and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinances as provided by section two of chapter twenty-two of this act; and it shall be lawful for the council to reject any and all such plats until the streets therein shall be cleared and freed from stumps and other obstructions and put in such condition as to admit of travel thereon with reasonable safety.

Unlawful for
children to fre-
quent railroad
stations.

SEC. 3. It shall be unlawful for any child under the age of fifteen years to resort to or frequent the railroad stations within the city at or near the time of the coming in or departure of any railroad trains except in cases where accompanied by the parent or guardian of such child, or in charge of some other competent person above that age, and except when going in good faith for the purpose of taking such train or meeting some expected passenger; and it shall also be unlawful for any such child to jump or catch upon any moving railway train within said city; and any person who shall carelessly or willfully offend against any of the provisions hereof shall be deemed guilty of a misdemeanor and on conviction thereof may be fined not exceeding ten dollars and costs, or confined in the Reform School, or House of Correction for Juvenile Offenders, until he shall arrive at the age of sixteen years, or be earlier discharged as authorized by the laws in regard to the management of said house of correction.

Penalty.

Unlawful for
children to be on
streets nights
after a certain
hour.

SEC. 4. It shall be unlawful for any child under the age of fifteen years to be out nights in the streets and public places of the city after seven o'clock in the evening between the first day of November and the first day of April or after

nine o'clock in the evening between the first day of April and the first day of November, unless accompanied by a parent or guardian or in charge of some other competent person above that age, who is for the time being exercising authority over him, or unless such child shall have a written permit from his parent or guardian so to be out: *Providing*, That ^{Proviso.} the council of said city may by ordinance change the time above specified to not later than nine o'clock during any part of the year. And it shall be the duty of parents and other people having the control of any child under the age of fifteen years, to see to it that such child does not frequent the streets and public places of said city contrary to the provisions hereof. Any child who shall carelessly or will- ^{Penalty.} fully violate any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction may be fined not exceeding the sum of ten dollars and costs or confined as in section three of this chapter specified: *Provided*, ^{Proviso.} *however*, That it shall be in the power of the justice of the peace before whom such conviction shall be made, to suspend sentence from time to time, making the good behavior of the child a condition to subsequent release, when in his opinion the ends of justice will be best subserved thereby, and to finally release such child when he shall be satisfied that such release is for the best interest of the child.

SEC. 5. It shall be the duty of the marshal, deputy marshals, ^{Duty of marshal, policemen, and constables of said city to see that the provisions of sections three and four of this chapter are strictly enforced, and to arrest and prosecute all persons offending against the same; but the said officers are hereby authorized, when in their opinion it shall be for the best interest of such child, on his first or second offense against the provisions of either said sections three or four, to take such offending child to his home and notify the parent or guardian of such child of such offense, together with a warning as to the provisions hereof, and to release such child to such parent or guardian on the promise from such child of his future good behavior, or from such parent or guardian of his future watchfulness and care over such child.} ^{Duty of marshal, police, etc.}

Ordered to take immediate effect.

Approved April 9, 1891.

[No. 282.]

AN ACT to amend section one, of an act entitled "An act to amend sections one, two, fifty-six, sixty-nine, one hundred and three, one hundred and twenty-seven and one hundred and thirty of an act entitled 'An act to incorporate the city of Ann Arbor, revise the charter of said city, and repeal all conflicting acts relating thereto,' being act No. 331, of session laws of 1889, approved March 15th, 1889, and to

add seven new sections thereto, to stand as [sections] section one hundred and thirty *a*, one hundred and thirty *b*, one hundred and thirty *c*, one hundred and thirty *d*, one hundred and thirty *e*, one hundred and thirty *f*, and one hundred and thirty *g*," approved March 28th, 1891.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section 1 of an act entitled "An act to amend sections one, fifty-six, sixty-nine, one hundred and three, one hundred and twenty-seven, and one hundred and thirty of an act entitled 'An act to incorporate the city of Ann Arbor, revise the charter of said city and repeal all conflicting acts relating thereto,' being act No. 331 of the session laws of 1889, approved March 15th, 1889, and to add seven new sections thereto, to stand as sections one hundred and thirty *a*, one hundred and thirty *b*, one hundred and thirty *c*, one hundred and thirty *d*, one hundred and thirty *e*, one hundred and thirty *f*, and one hundred and thirty *g*," approved March 28th, 1891, be, and the same is hereby amended so as to read as follows:

Territory
incorporated.

SECTION. 1. That so much of the township of Ann Arbor, in the county of Washtenaw, as is included in the following limits, to wit: Beginning at the corner of sections twenty-nine, thirty, thirty-one and thirty-two of said township, thence north along the east line of section thirty to the east quarter post of section thirty, thence west on the east and west quarter line to the east half quarter post of said section thirty, thence north along the east half quarter line of said section thirty to the northwest corner of the east half of the northeast quarter of said section thirty, thence east along the north line of said section thirty to the northeast corner of said section thirty, thence north along the line of section twenty to the northeast corner of the southeast quarter of the northeast quarter of section nineteen, thence east on the half quarter lines of sections twenty and twenty-one of said township to the east half quarter stake of the northeast quarter of said section twenty-one, thence south on the east half quarter line of section twenty-one to the north bank of the Huron river, thence southeasterly along the east bank of the Huron river to the south line of highway crossing the Huron river on the north line of section twenty-eight, thence west along the south line of said highway to the east half quarter line of section twenty-eight, thence south along the east half quarter line to the east and west quarter line of said section twenty-eight, thence east along the east and west quarter line to the east quarter post of section twenty-eight, thence south on the east line of sections twenty-eight and thirty-three to the southeast corner of the northeast quarter of the southeast quarter of section thirty-three, thence west along the half quarter line to the west line of State street extended south, thence north along the west line of State street, to the east quarter post of section thirty-two, thence west along the east and west quarter line of section thirty-two to the east quarter post of section thirty-one, thence north along the east line of

section thirty-one to the place of beginning, be and the same is hereby set off from said township, and declared to be a city by the name of the city of Ann Arbor; and the freemen of said city, from time to time being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name of "the city of Ann Arbor" and by that name it shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; and they may have a common seal, which the common council may alter at [pleasure] pleasurable and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

This act is ordered to take immediate effect.

Approved April 10, 1891.

[No. 283.]

AN ACT to authorize the village of East Tawas to borrow money for the construction of an electric light plant in said village and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That the village of East Tawas, in Iosco county, is hereby authorized to borrow not to exceed ten thousand dollars, on the faith and credit of said village, and to issue the bonds of said village therefor to be payable in installments within ten years from the date of their issue, and to bear interest at not exceeding six per cent per annum: *Provided,* That none of said bonds shall be sold at less than their par value.

SEC. 2. The proceeds of said bonds shall be used for the purpose of constructing an electric light plant in said village and the purchase and putting in the necessary machinery therefor.

SEC. 3. Said money shall not be borrowed nor said bonds issued unless a majority of the qualified voters of said village shall vote therefor at a general election or a special election called for that purpose. Such election shall be conducted in accordance with provisions of law regulating other elections in said village, and registration of voters shall be provided for accordingly, but provided, that printed notices of such election stating the time and place thereof and the questions to be voted upon and the amount of the proposed loan shall be posted in three public places in said village ten days preceding such election, and a like notice shall be published at least twice in a newspaper printed and circulating in said village, which publication shall be in [the] two issues of said paper next preceding the time of said election. At any such election printed ballots shall be provided, and all voters against said law shall use a ballot containing the words "against the loan," and all [votes] voters for said loan shall use a ballot containing the words "for the loan," and the [votes] voters shall be canvassed and the result declared as in other elections.

Name.

Body corporate.

Authorized to borrow money.

Provide.

How money shall be used.

Majority of electors to sanction loan at election.

How election to be conducted.

Notice of election.

Ballots and manner of voting.

Council to provide for the issue of bonds, etc.

SEC. 4. The village council of said village shall provide for the issue and negotiation of any bonds authorized by this act. Ordered to take immediate effect.
Approved April 10, 1891.

[No. 284.]

AN ACT to authorize the village of East Tawas to provide electric lights for dwellings, stores, and other business places, and to extend its electric [light] system beyond the village limits in certain cases.

Village may put lights in dwellings, etc.

SECTION 1. *The People of the State of Michigan enact,* That whenever the village of East Tawas shall have constructed and put [in] into operation an electric light plant in said village, it may provide for putting electric lights into dwellings, stores, and other business places in said village on such terms as may be provided by ordinance.

May furnish light for Tawas City.

SEC. 2. Said village may also contract to furnish electric lights for the village of Tawas City, or the inhabitants thereof, on such terms as may be agreed upon and as may be provided by ordinance.

Ordered to take immediate effect.

Approved April 10, 1891.

[No. 285.]

AN ACT to incorporate the board of education of the city of Au Sable.

One district.

SECTION 1. *The People of the State of Michigan enact,* That the city of Au Sable shall constitute one school district. The members of the board of education shall be a body corporate, by the name and style of "the board of education of the city of Au Sable," and by that name may sue and be sued, and shall be subject to the laws of this State relative to corporations that may be applicable thereto. They shall hold and control all moneys, real or personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the public schools within said city.

Members of board of education, when elected, etc.

SEC. 2. There shall be elected at the annual city election, on the first Monday in April in the year eighteen hundred and ninety-one, and every year thereafter, on a [ticket] ticked separate from other city [officers] officials, in each ward of said city of Au Sable, one member of the board of education, who shall hold his office for the term of three years from and after the first day of May next ensuing: *Provided, That*

the present members of the board of education of said city of Au Sable shall continue to be and act as members of said board of education for, and during the term for which they were elected or appointed, and from and after the passage of this act, and in conjunction with the members of said school board who may be elected under this act, shall continue members of said board of education of said school district for the respective time for which they were duly elected or appointed.

Proviso as to present members.

SEC. 3. The board of education shall meet from time to time, at such place in said city as they may designate. A majority of all the members shall constitute a quorum. They shall elect from their number a president, a secretary, and a treasurer. The said board shall keep a record of their proceedings, which shall be signed by the president and secretary, and any proceedings of said board, certified by the president and secretary, shall be evidence of the fact therein contained.

Meetings.
Quorum.
Officers.
Records.

SEC. 4. The board of education shall have full power and authority, and it shall be its duty:

Powers and duties of board.

First, To purchase sites and build school-houses or other [building] buildings for school purposes in said city: *Provided,* The expense does not exceed five thousand dollars on any one building;

To purchase sites, etc.

Second, To establish a high school in said city and prescribe the course of study therein;

To establish high school.

Third, To appoint a superintendent of the common schools in said city, with such compensation as they shall deem proper, and with such powers and duties as they shall prescribe;

Appoint superintendent and fix compensation.

Fourth, To establish a school library in said city and designate the place and places where the same shall be kept, and may appoint a librarian;

Establish school library.

Fifth, To apply for and receive from the county or city treasurer, or other officers, all moneys appropriated or belonging to the primary school funds of said city, or for library purposes, and to expend the same according to law;

To receive and expend school and library funds.

Sixth, To make by-laws and ordinances for taking the census of the children of said city, for making reports, and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city, for visitation of schools and the length of time schools shall be taught, which shall not be less than nine months in each year, for the employment and examination of teachers and their powers and duties, for the regulation of schools and the books to be used therein, for the appointment of necessary officers, and to prescribe their powers and duties, for all necessary purposes that may advance the interests of education in said city, and the good government and prosperity of the public schools.

To provide for taking census.

SEC. 5. The treasurer of said city shall collect the money and shall keep all school funds belonging to said city separate from all other funds, and shall pay over to the treasurer of said board all money on the order of said board. He shall

Duty of treasurer.

report to the board the condition of the school fund whenever he shall be requested by them.

Board to determine sums necessary to be raised.

SEC. 6. The board of education of said city are hereby authorized, and it shall be their duty once in each year to ascertain and determine, by resolution passed at any regular meeting of said board, by a yea and nay vote of all the members elect, to be entered on the record, the sums necessary and proper for any of the following purposes:

For repair, etc., of buildings, etc.

First, To lease, enlarge, alter, improve and repair school-houses and their outhouses and appurtenances;

To purchase apparatus, books, etc.

Second, To purchase, exchange, improve and repair school apparatus, books, furniture and appendages;

For contingent expenses.

Third, To procure fuel and defray all contingent expenses of the schools, and the expenses of the school library of said city, and the necessary contingent expenses of said board;

For books for library.

Fourth, To purchase books for the school library of said city, to an amount not to exceed one hundred dollars in any one year:

To pay teachers' wages, etc.

Fifth, To pay teachers' wages after the application of public money which may by law be appropriated and provided for that purpose; and the city supervisors, whose duty it shall be to assess the ordinary city taxes, shall levy the sums so certified to them upon the taxable property of said city, in the same manner as other taxes are levied.

Money to be paid out on order of board.

SEC. 7. The treasurer of said board shall have charge of all moneys or funds belonging to the board, and he shall pay them out only upon the order of said board, signed by the president and countersigned by the secretary. The treasurer of said board shall, before entering upon the duties of said office, enter into a bond and with such sureties as said board may require, conditioned for the faithful discharge of his duties and the paying over of all moneys received by him by virtue of this act.

Treasurer to give bond.

Power to raise money by tax for buildings, etc.

SEC. 8. Whenever the said board shall from time to time determine by resolution the sum or sums of money that may be necessary to erect school buildings or other buildings used for school purposes in said city, or for other school purposes not exceeding in cost for any one building the sum of five thousand dollars in any one year, said sum or any part thereof, as they may deem necessary, shall be assessed and levied on the real and personal property of said city for such building or other school purposes, to be collected as other school moneys, and applied by said board for the purpose aforesaid.

In case of vacancy on board.

SEC. 9. In case of a vacancy in the office of a member of said board, the same shall be filled by appointment by a majority of said board, of a person from the ward in which such vacancy exists, which appointment shall be until the next annual election, and until his successor is elected and qualified.

General laws to apply.

SEC. 10. All provisions of the general laws of this State relative to common and union schools shall apply and be in force in said city, except such as may be inconsistent with the provisions of this act, or with the by-laws and ordinances of the board of education made under this act.

SEC. 11. No member of the board of education shall be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any act or ordinance of said board of education, nor be surety or bondsmen, on any contract or bond given to said board of education.

Members of board not to be interested in contracts, etc.

This act is ordered to take immediate effect.

Approved April 16, 1891.

[No. 286.]

AN ACT to incorporate the village of Onekama, in the county of Manistee, and to provide for holding the first election therein.

SECTION 1. *The People of the State of Michigan enact,* That all that certain tract or parcel of land lying and being situated in the township of Onekama, in the county of Manistee, and known and described as follows, to wit: Lots number one, two and three, section twenty-five; lots number three and four, section twenty-six; the southeast one-fourth, northeast fractional one-fourth, section twenty-six; and that part of lot number two, and that part of northwest one-fourth, northeast fractional one-fourth, section twenty-six, which are included in the recorded plat of Windermere, which above described territory includes the recorded plats of Brookfield, Onekama, Zosels addition to the village of Onekama, the west addition of the village of Onekama and the recorded plat of Windermere, all in town twenty-three north, range sixteen west, be and the same is hereby made and constituted a village corporate by the name of the village of Onekama.

Territory incorporated.

SEC. 2. The first election of officers of said village shall be held on the second Monday in April, eighteen hundred and ninety-one, at Burmeister's opera house, in said village, at which election the polls shall be opened at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of said day, at which hour they shall be closed, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election.

First election.

Notice of election.

SEC. 3. B. Burmeister, G. A. Barstow and C. D. Stanley are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding said day of election at Burmeister's opera house and remain in session from nine o'clock in the forenoon until five o'clock in the afternoon of said day, and register the names of all persons residing in said village having the qualification of voters under the constitution of the State of Michigan. Due notice of such registration shall

Board of registration.

Notice of registration.

be given by said board, in the same manner and at the same time as is provided for notice of election in section two of this act.

Governed by general law.

SEC. 4. The said village of Onekama shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled, "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and all acts amendatory thereof and supplementary thereto.

Election at time other than time specified.

SEC. 5. In case the village officers provided for in this act are not elected at the time and place and in the manner designated in section two of this act, an election of such officers may be held at any time within one year from the time designated in said section two of this act, and notice given as provided by said section. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration, and the members of said board shall take the constitutional oath of office before entering upon their duties.

This act is ordered to take immediate effect.

Approved April 16, 1891.

[No. 287.]

AN ACT to authorize the city of Mason to borrow money for the erection and maintenance of water-works and to authorize the issuance of bonds therefor.

Authorized to submit the question of building water-works to electors.

SECTION 1. *The People of the State of Michigan enact,* That for the purpose of erecting and maintaining water-works for the use of the city of Mason and the inhabitants thereof, the common council of said city is hereby authorized to submit to the qualified electors of said city at any annual or special election called as required by law, a proposition to raise a sum of money not exceeding thirty-five thousand dollars by loan, at a rate of interest not exceeding five per cent per annum to be voted upon by them.

Ballots and manner of voting.

SEC. 2. All votes given under the provisions of this act shall be by ballot, those voting in favor of loan shall have written or printed on their ballots "for the loan," and those voting against loan shall have written or printed on their ballots "against the loan," and such election shall be conducted in the manner of conducting city elections.

Council may borrow money and issue bonds.

SEC. 3. If such proposition shall be approved by a two-thirds vote of the electors voting at such election the common council at any time thereafter may borrow said sum of thirty-five thousand dollars, or so much thereof as they may consider necessary and issue the bonds of said city for the payment

thereof with the interest thereon, said bonds to mature not later than twenty years after date of issue, and to be sold at not less than par.

This act is ordered to take immediate effect.

Approved April 16, 1891.

[No. 288.]

AN ACT to amend section five, of act number two hundred and eighty-nine, of the local acts of eighteen hundred and eighty-five, entitled "An act to incorporate the village of Ontonagon, county of Ontonagon, and State of Michigan," approved March twenty, eighteen hundred eighty-five.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section five of act number two hundred and eighty-nine of the local acts of eighteen hundred and eighty-five, entitled "An act to incorporate the village of Ontonagon, county of Ontonagon, and State of Michigan," approved March twenty, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

SEC. 5. The said village of Ontonagon shall in all things be governed, and its powers and duties defined, by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, in the year one thousand eight hundred and seventy-five, and acts amendatory thereto: *Provided,* That the president of said village, in addition to the powers and duties conferred upon him by said act, granting and defining the powers and duties of incorporated villages, shall be *ex officio* a member of the board of supervisors of the county of Ontonagon, and he shall attend all the meetings of said board and be entitled to vote upon all matters that may be brought before the board of supervisors; and for attending all such meetings he shall receive the same compensation authorized by law to be paid to supervisors of townships for similar services, to be audited by the board and paid by the county. To be governed by general law. Provided.

This act is ordered to take immediate effect.

Approved April 17, 1891.

[No. 289.]

AN ACT to incorporate the city of Norway in Menominee county.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.
That the following described territory, situate in the county of Menominee, Michigan, viz.: Section thirty-one, section

thirty-two and section thirty-three, in township forty north, of range twenty-nine west, and section four, section five, section six, section seven, section eight, including all the platted territory therein, and section nine, including all the platted territory therein in township thirty-nine north, of range twenty-nine west, be incorporated into, and the same is hereby made, constituted and organized into a city to be known by the name of the city of Norway.

Division into
wards.

First ward.

SEC. 2. The city is hereby divided into three wards. The first ward shall include all that portion of the city described as follows, viz.: Sections four, five, six, seven, thirty-one, thirty-two and thirty-three, the west half, the west half of the southwest quarter of the northeast quarter, and all that part of the northwest quarter of the northeast quarter of section eight, described by metes and bounds as follows: Beginning at the northwest corner thereof and running thence east to the center of Brown street of the original plat of the village of Norway, running thence south to the south line of said tract, running thence west to the southwest corner of said tract and running thence north along the west line of said tract to the place of beginning, also block four of said original plat of the village of Norway. The second ward shall include all that

Second ward.

portion of the city described as follows, viz.: All that part of section eight not hereinbefore described as a part of the first ward, and also all that part of section nine, described by metes and bounds as follows: Beginning at the southwest corner of said section nine and running thence north on the west line of said section to a point in the center of Pine street of the original plat of the village of Frederickton, thence running east on a line parallel with the south line of said section to a point in the center of Walnut street of said original plat of the village of Frederickton, thence running south on a line parallel with the west line of said section to the south line thereof, and thence west on said south line to the place of beginning. The third ward shall include all that portion of the city described as follows, viz.: All that part of section nine not hereinbefore described as a part of the second ward. The plats herein referred to are of record in the office of the register of deeds of Menominee county. Said sections thirty-one, thirty-two and thirty-three are in township forty north, of range twenty-nine west, and said sections four, five, six, seven, eight and nine are in township thirty-nine north, of range twenty-nine west.

Third ward.

Township officers
to continue until
city officers
elected.

Proviso as to
justices.

SEC. 3. The officers of the township of Norway shall retain jurisdiction to administer affairs within the limits of said city, until the officers of said city are elected and qualified: *Provided*, That the justices of the peace of the township of Norway, residing within the limits of said city, shall continue in office for the respective terms for which they were elected, with like jurisdiction as if they were elected in said city.

First election.

SEC. 4. The first election in said city shall be held on the fourth Monday in April, in the year eighteen hundred and

ninety-one: *Provided*, That should there not be sufficient time Proviso. remaining after this act shall have taken effect to give the requisite notice and hold said first election on said fourth Monday of April, then the first election in said city shall be held on the second Monday following the day on which this act shall take effect.

SEC. 5. Notice of the first election in said city shall be given by the justice of the peace residing within the limits of said city, whose term of office shall soonest expire. He shall also appoint and designate by name in the notice of said first election, three qualified electors in each ward, as inspectors of election therein for said first election, and the persons so appointed shall constitute the respective boards of registration for the purpose of registering the electors in said wards, prior to the first election in said city. He shall also appoint and designate in the notice of said first election, the place in each ward where said first election will be held. Notice of first election, by whom given. Inspectors. Boards of registration.

SEC. 6. The inspectors of said first election shall meet at the polling place of the third ward, on the Thursday next succeeding said first election, and determine what persons were duly elected at the said first election, to the several offices respectively. The term of office of the persons elected at said first election shall expire at the same time as would have been the case had said first election been held on the first Monday of April. Inspectors of first election, when to meet.

SEC. 7. The mayor and aldermen of said city shall serve without compensation. The following named officers shall receive in full for all services performed by them respectively for said city, in any one year, such compensation as the council shall by ordinance prescribe, not exceeding, however, the respective amounts herein specified, viz.: Marshal, seven hundred and twenty dollars; the treasurer, three hundred dollars; policemen or nightwatchmen, each, seven hundred and twenty dollars; city clerk, three hundred dollars; city attorney, five hundred dollars. Compensation of officers.

SEC. 8. The treasurer of said city shall be *ex officio* collector of said city and the marshal of said city shall be *ex officio* street commissioner. Collector. Street commissioner.

SEC. 9. The city marshal shall be appointed by the council. City marshal.

SEC. 10. The mayor may suspend the city marshal or any policeman or nightwatchman for neglect of duty, misconduct or other sufficient cause, and the council may remove from office, the marshal or any policeman or nightwatchman appointed thereto, at any time. Mayor may suspend certain officers.

SEC. 11. The aggregate amount which the council may raise by general tax upon the taxable real estate and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, for all purposes for which the several general funds mentioned in section three, of chapter twenty-six, of an act entitled "An act for the incorporation of cities," being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, Limit of taxation.

Limit of power of electors.	approved April twenty-ninth, eighteen hundred and seventy-three, are constituted, exclusive of taxes for schools and school-house purposes, shall not exceed in any one year, one per cent on the assessed [value] valuation of all the real and personal property in the city made taxable by law. And the qualified electors of said city, by a majority vote or otherwise, shall not have power to authorize the council of said city to raise by general tax, in any one year, any greater amount than can be raised by the council under the foregoing provisions of this section.
Appropriations for building city hall, etc.	<p>SEC. 12. No money shall be appropriated for the purpose of defraying the cost and expense of building a city hall or other public buildings, engine houses or structures, electric lighting or water-works, the total first cost of which will exceed one thousand dollars, unless the question of appropriating the same shall, by a vote of two-thirds of the aldermen elect, be submitted to the electors and be authorized by a majority vote of the electors of the whole city voting on the question at an annual or special city election. The proposition to appropriate such money shall be submitted to a vote of the electors, by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure and the amount proposed to be appropriated therefor. Such ordinance or resolution shall be published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.</p>
Shall be submitted to electors.	<p>SEC. 13. Should a proposition to appropriate money to construct, equip and maintain water-works for the purpose of supplying the said city and the inhabitants thereof with pure and wholesome water, or for the purpose of supplying water for the extinguishment of fires in said city, or for both such purposes, be submitted to the electors and ratified by them in the manner specified in section twelve of this act, the council shall be authorized to raise the amount of the proposed expenditure for the purpose of constructing and maintaining said water-works, by loan, and shall have power to fix the time and place of payment of the principal and interest voted under the provisions of the last preceding section, and to issue the bonds or other evidence of indebtedness of the city therefor: <i>Provided</i>, That the interest on said money raised by loan shall not exceed eight per cent per annum.</p>
Appropriation for water-works.	<p>SEC. 14. Should said city raise money by loan and issue the bonds or other evidence of indebtedness of the city therefor, under the provisions of the last preceding section, the council shall annually in the month of September, make provision for and appropriate to the interest and sinking fund from the revenues raised by general tax upon all the property in the city made taxable by law, an amount sufficient to pay the bonded indebtedness of the city for water-works and the interest thereon falling due during the next fiscal year.</p>
If ratified by electors, council may raise money by loan.	<p>SEC. 15. Should the amount received by said city and credited to the contingent fund thereof, for liquor taxes col-</p>
Proviso.	
Sinking fund.	
Transfer of funds.	

lected in said city, together with the amount, if any, appropriated to that fund from the general tax, exceed the amount which shall be necessary to defray the contingent expenses in any year, the council, at any regular meeting thereof, may transfer from the contingent fund to any one or more of the other general funds of the city, the whole or any part of such excess, and the money so transferred may be paid out for any purpose for which the money in the general fund to which it is so transferred, might lawfully be paid out.

SEC. 16. No public improvements or repairs, any part of which is to be defrayed by special assessment, shall be ordered unless the owners of a majority in interest according to the last preceding assessment roll, of the lands to be assessed, shall petition therefor and two-thirds of the aldermen elect shall concur in ordering the same.

Public improve-
ments, when
made by special
assessment.

SEC. 17. If, on a settlement between said city and the township of Norway, it is found that said city should pay a part of the indebtedness of the township of Norway, existing at the time this act shall take effect, the council of said city shall be authorized to appropriate and pay out of the contingent fund of said city, whatever sum may be necessary, to pay and discharge in full such part of the said indebtedness of the township of Norway, as upon said settlement, shall be apportioned to said city.

City may pay
portion of town-
ship debt.

SEC. 18. After the annual city election, and on or before the first Monday in May in each year, the council of said city shall appoint a suitable tax-paying elector of said city to serve as a member of the board of review for that year, who shall take the constitutional oath of office. The supervisors of the several wards together with the person so appointed by the council, shall constitute a board of review of assessments.

Board of review.

SEC. 19. The said city of Norway shall, in all things not in this act otherwise provided, be governed by and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities," being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three, which act, except wherein it conflicts with the provisions of this act, is hereby made and constituted a part of the charter of the said city of Norway.

Governed by
general law.

This act is ordered to take immediate effect.

Approved April 17, 1891.

[No. 290.]

AN ACT to incorporate the public schools of the township of Albert, county of Montmorency.

SECTION 1. *The People of the State of Michigan enact,* Territory incor-
That the territory embraced in the township of Albert, in the porated.

Single school district.	county of Montmorency, be and the same is hereby declared to be a single school district, which shall be a body corporate by the name and style of "the public schools of the township of Albert," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union schools by the general laws of this State.
Name.	All schools in said district, and all schools hereafter organized therein in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons actual residents within the limits thereof, above the age of five and below twenty years.
Subject to general laws. All schools to be free.	SEC. 2. The officers of said district shall consist of the supervisor of the township, who shall not at the same time hold the office of trustee, and four trustees, who shall constitute the board of education of said district; the terms of office of said trustees shall be four years each and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Albert, upon the same ticket and canvassed in the same manner as township officers are required by law to be elected by ballot:
Officers and terms of office.	<i>Provided</i> , That a special election shall be held in said township within sixty days after this act shall take effect, to be held at the place where the last preceding township election was held, and conducted and canvassed by the same officers and in the same manner as elections for township officers. Notice of the time and place of such election shall be given by the township clerk by printed or written notices posted up in five public places in said township at least ten days before the holding of such election. At such special election there shall be elected four trustees of said district by the electors thereof, one of whom shall hold his office until the third Monday in April in the year eighteen hundred and ninety-two, one for the term of one year, one for the term of two years and one for the term of three years from the third Monday of April succeeding the first annual meeting provided for by this act, and until their successors are elected and qualified, and their terms of office shall be determined by lot, as provided for justices of the peace in new townships in chapter nineteen of Howell's Annotated Statutes of Michigan; said trustees to be designated on the tickets or ballots "for members of the board of education."
How and when elected.	SEC. 3. Within five days after such special or annual election, the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of
Proviso as to first election.	
Notice of election.	
Terms of office determined by lot.	
Clerk to notify trustees of election, etc.	

proceedings to be kept by said board of education: *Provided*, Proviso. That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time, on or before the third Monday of April succeeding the annual township election at which they are elected, take and subscribe the oath of office and file the same as hereinbefore prescribed; and the term of office of the trustees of said district, other than those elected at such special election, shall commence on the third Monday of April following the annual township election at which they are elected.

SEC. 4. The township clerk of [said] the township of Albert shall be *ex officio* clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to a vote therein, and in case of the absence of such clerk, the board may, by resolution, choose some suitable person to perform such duties. Clerk of board.

SEC. 5. The said trustees and the supervisor, who shall be *ex officio* president of said board of education, shall meet within sixty days after such special election, and on the third Monday of April in each year, at the township clerk's office and elect from their own number a treasurer, who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified, and may at any time fill by a new election any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office, as prescribed in section three of this act. Board to elect treasurer.

SEC. 6. A majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, December and March in each year, and no notice of such meeting shall be required and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum be present, and special meetings of said board may be called at any time on the request of the president or two members of said board, in writing delivered to the clerk, and the clerk upon the receipt of such request, shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of the board. All the records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any legal voter of said district. Quorum.
Regular meetings.
Special meetings.
Meetings, where held.

SEC. 7. All the school property, real and personal, within the limits of the township of Albert, heretofore belonging to the different primary school districts in said township of Albert, shall, by force of this act, become the property of said public schools of the township of Albert, hereby organized; and all the credits of the several primary school districts at Property to become property of public schools of township of Albert.

the passage of this act, shall belong to the said public schools of the township of Albert, hereby organized, and all the indebtedness of the said several primary school districts at the time of the passage of this act, shall be assumed and paid by the public schools of the township of Albert hereby organized.

Power and
authority of
board.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, with a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law, so that the said district may be entitled to its proportion of the primary school fund, and said board shall have authority to make all needful rules, regulations and by-laws relating to visitation of schools, relating to regulations of schools, and the books to be used therein: *Provided*, [These] their acts are not in conflict with any general law [relative] relating to text-books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer, or other officers holding the same, all moneys apportioned for primary schools and the district library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary.

Proviso.

Annual esti-
mates, etc.

SEC. 9. The board of education, at the regular meeting on the third Monday of August, in each year, shall make an estimate of and determine the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board, which estimate shall specify the amounts required for different objects of expenditures, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Albert, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected, and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and erecting school-houses, no greater sum than five mills on the dollar of all taxable valuation of the real and personal property of said district shall be levied in any one year, for not more than five years after the passage of this act.

Clerk to certify
to supervisor.

Proviso.

Duty of treas-
urer.

SEC. 10. The treasurer of the board shall have the keeping of the school moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering upon the

duties of his office, give a bond to said district in such sum Bond. and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in such district, the number of teachers employed, and the number of pupils instructed during the preceding year, and the expenditures of said board for all purposes, and all the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board, and shall be publicly read by the president of said board, or in his absence, by the clerk thereof, to the electors of the township of Albert at their annual township meeting, on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon. Board to make detailed statement.

SEC. 12. The treasurer of the township of Albert shall at any time, at the request of the board of education, report to said clerk the amount of school money in his hands, and shall on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt, which shall be filed with the clerk of said board. Township treasurer to report, etc.

SEC. 13. All taxes assessed within said township of Albert for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes. School taxes.

SEC. 14. The compensation of the members, president and the clerk of [the] said board shall be one dollar and fifty cents for each day's actual service rendered for such district, to be audited by the said board of education at its regular meetings. Compensation of clerk and members of board.

SEC. 15. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same When district is divided into two or more townships. When change is made in limits of township district.

Proviso.

shall appear upon the last assessment roll of such township: *Provided*, That whenever any surveyed township in the present organized township of Albert, is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State relative to public instruction and primary schools.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 291.]

AN ACT to incorporate the public schools of the township of Ossineke, Alpena county.

Territory incorporated.

Territory embraced.

Single school district.

Name.

Subject to general law.

All schools to be free.

Officers and terms of office.

How and when elected.

Proviso as to first election.

Terms of office to be determined by lot.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced within the township of Ossineke, in the county of Alpena, be and the same is hereby declared to be a single school district, which shall be a body corporate by the name and style of "the public schools of the township of Ossineke" and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union [schools] school districts by the general laws. And all schools in said district and all schools hereafter organized therein in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons actual residents within the limits thereof above the age of five years.

SEC. 2. The officers of said district shall consist of four trustees, who shall constitute the board of education of said district, and whose terms of office shall be four years each and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Ossineke, upon the same ticket and canvassed in the same manner as township officers are required by law to be elected by ballot: *Provided*, That at the first annual township meeting held in said township after the passage of this act, there shall be four trustees elected whose terms of office shall be as follows: One for one year, one for two years, one for three years and one for four years from the third Monday in April of the year in which said election is held and until their successors are elected and qualified, and their terms of office shall be determined by lot as provided for justices of the peace in new townships in chapter nineteen of Howell's Annotated Statutes of Michigan, said trustees to be designated on the tickets or ballots: "For members of the board of education."

SEC. 3. Within five days after such annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected, shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of proceedings to be kept by said board of education: *Provided*, That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time on or before the third Monday of April succeeding the annual township election at which they are elected, take and subscribe the oath of office and file the same as hereinbefore prescribed; and the term of office of the trustees of said district shall commence on the third Monday of April following the annual township election at which they are elected.

Clerk to notify trustees of election.

Proviso.

SEC. 4. The township clerk of [said] the township of Ossineke shall be *ex officio* clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk, the board may by resolution choose some suitable person to perform such duties.

Township clerk to be clerk of board.

SEC. 5. The said trustees shall meet on the third Monday of April in each year at the township clerk's office and organize by electing from their own number a president and treasurer who shall severally hold their offices for one year from said third Monday of April and until their successors are elected and qualified, and may at any time fill by a new election any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office as prescribed in section three of this act.

Board to meet and elect president and treasurer.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, December and March in each year, and no notice of such meetings shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum is present, and special [meetings] meeting of said board may be called at any time on the request of the president, or two members of said board in writing delivered to the clerk, and the clerk upon receiving such request shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of the board. All the records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any legal voter of said district.

Quorum.
Regular meeting.

Special meetings.

Records open to inspection.

SEC. 7. All the school property, real and personal, within

All school property to belong to the public schools of Ossineke township.

the limits of the township of Ossineke heretofore belonging to the different primary school districts in said township of Ossineke shall by force of this act become the property of said public schools of said township of Ossineke hereby organized; and all the credits of the several [primary] school districts at the passage of this act shall belong to said public schools of the township of Ossineke hereby organized and all [the] indebtedness of the several primary school districts at the time of the passage of this act shall be assumed and paid by the public schools of the township of Ossineke hereby organized.

Power of board of education, duty, etc.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, with a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law so that the said district may be entitled to its proportion of the primary school funds, and said board shall have authority to make all needful regulations and by-laws relating to visitation of schools, relating to regulations of schools, and the books to be used therein: *Provided*, Their acts are not in conflict with any general law [relative] relating to text-books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officers holding the same, all moneys apportioned for primary schools and the district library of said district and may adopt such by-laws and rules for their own procedure as they may deem necessary.

Proviso.

Annual estimates.

SEC. 9. The board of education, at their regular meeting on the third Monday of August in each year, shall make an estimate of, and determine the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board, which estimates shall specify the amounts required for different objects of expenditure and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Ossineke who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and erecting school-houses no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property of said district shall be levied any one year, for not more than five years after the passage of this act.

Clerk to certify to supervisor.

Proviso.

Duty of treasurer.

SEC. 10. The treasurer of the board shall have the keeping of all school and library money and shall not pay out the same

without the authority of said board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting [for] of all moneys coming into his hands belonging to said district.

SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district which report or statement shall be entered at length in the records of said board and shall be publicly read by the president, or in his absence, by the clerk thereof, to the electors of the township of Ossineke at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon.

Board to make annual statement, etc.

SEC. 12. The treasurer of the township of Ossineke shall at any time at the written request of said board of education, report to the said clerk the amount of school money in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board.

Township treasurer to report, etc.

SEC. 13. All taxes assessed within said township of Ossineke for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

School taxes to be kept separate.

SEC. 14. The compensation of the trustees and the clerk of the board shall be one dollar and fifty cents for each day's actual service rendered for said district to be audited by the said board of education at its regular meeting.

Compensation of officers.

SEC. 15. When the township district hereby incorporated shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint

When district is divided into two or more townships.

When change is made in limits of township district.

Proviso.

session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township: *Provided*, That whenever any surveyed township in the present organized township of Ossineke, is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State relative to public instruction and primary schools.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 292.]

AN ACT to enable the Marquette county agricultural society to sell and convey a portion of its real estate for the purpose of improving its grounds.

Authority to sell
real estate.

SECTION 1. *The People of the State of Michigan enact*, That "the Marquette county agricultural society" be and is hereby authorized and empowered to sell and convey such portion of its real estate, to be determined at a stockholders' meeting, as they may deem for the best interests of the society, said sale and conveyance to be in conformity with the provisions of the succeeding section.

Special meeting
of stockholders.

SEC. 2. Whenever the board of directors of the said Marquette county agricultural society shall by resolution duly adopted declare that a special meeting of the stockholders shall be held for the purpose of considering the question of the sale of a portion of the said society's real estate, the secretary of the society shall issue a call for such special meeting of the stockholders of the society, which call shall be countersigned by the president of the society, and shall contain a copy of the resolution adopted by the board of directors relative thereto; and it shall be the duty of the secretary to mail a copy of said call to each of the stockholders in said society, and publish the same at least once a week for four successive weeks prior to the date for which such meeting is called, in some newspaper printed and published in the county of Marquette. And if at such stockholders' meeting held in pursuance of the before mentioned call, two-thirds of the stockholders present shall vote therefor it shall be competent and valid for the board of directors of the said society to convey the lands which may be set apart to be sold by the society, by trust deed, to the president and secretary of [the] said society, and their successors in office, as trustees for the said society, to be by them sold and conveyed when and in such manner as directed by the board of directors of said society, and at such price as the said directors shall have determined, and not otherwise.

Secretary to
issue call for
meeting.

Two-thirds vote
to make valid
conveyance.

SEC. 3. The moneys received by the trustees under the trust deed mentioned in the foregoing section shall accrue only to the Marquette county agricultural society, and shall only be expended in the improvement of the grounds and buildings of the said society and the betterment of their property.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 293.]

AN ACT to incorporate the village of Muskegon Heights, in the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact,* That the following land and territory in the townships of Muskegon and Norton, county of Muskegon, and State of Michigan, described as follows, to wit: All of sections thirty-two, thirty-three, the east half, and the east half of the west half of section thirty-one, all in township ten north, of range sixteen west; and sections four, five, eight, nine, the east half, and the east half of the west half of section six, the east half, and the east half of the west half of section seven, all in township nine north, range sixteen west, be and the same is hereby constituted a village corporate by the name of the village of Muskegon Heights.

SEC. 2. The first election of officers of said village shall be held on the first Monday in June, in the year of our Lord one thousand eight hundred and ninety-one at the freight office of the Muskegon Improvement Company in said village, notice of which election shall be posted in three public places in said village by the board of registration, hereinafter appointed, at least ten days previous to said election.

SEC. 3. Powers Wicks, James A. Sunderlin and Frank X. Vogel are hereby constituted a board of registration for the purpose of registering the names of voters for the first election to be held in said village, and the said board of registration are hereby required to meet on the Saturday preceding the first Monday in June, in the year of our Lord one thousand eight hundred and ninety-one, at nine o'clock in the forenoon, and remain in session until five o'clock in the afternoon, and register the names of all persons presenting themselves for registration, having the qualifications of voters, at annual township meetings, and said board shall meet at the freight office of the Muskegon Improvement Company, in said village, for the purpose of registering said voters, due notice of which meeting shall be given by said board in the same manner and for the same time as is provided for giving notice of election in section two of this act.

SEC. 4. The said village of Muskegon Heights shall in all things not herein otherwise provided for be governed by and

its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Election at time
other than time
mentioned.

SEC. 5. In case said officers are not elected at the time and in the manner designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two of this act, on notice given as provided by section two of this act.

Inspectors of
election.

SEC. 6. The said Powers Wicks, James A. [Sunderland] Sunderlin and Frank X. Vogel are hereby constituted the inspectors of the said first election provided for in this act.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 294.]

AN ACT to authorize and empower the township of Springfield, in Kalkaska county, Michigan, to expend not to exceed eight thousand dollars raised by taxation within the limits of township twenty-five north, range six west, in said county, within that part of the organized township of Springfield known as township twenty-five north, of range eight west.

Authority to
expend certain
highway funds,
etc.

SECTION 1. *The People of the State of Michigan enact,* That the township of Springfield in the county of Kalkaska, and State of Michigan, by its lawful officers and agents is hereby authorized and empowered to expend as much as it may deem expedient to expend, of the sum of eight thousand dollars belonging to the highway fund of said township, and heretofore raised for general highway purposes by taxation upon lands within the said township of Springfield and within the surveyed limits of township twenty-five north, range six west, upon the public highways within that portion of said township of Springfield, known as township twenty-five north, of range eight west, subject to the requirements of the general statutes as to the manner of its expenditure.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 295.]

AN ACT to revise and amend act number two hundred and forty-eight of the session laws of one thousand eight hundred and seventy-three, entitled "An act to grant a special charter to the village of Morenci heretofore incorporated by the board of supervisors of the county of Lenawee."

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That act number two hundred and forty-eight of the session laws of one thousand eight hundred and seventy-three, entitled "An act to grant a special charter to the village of Morenci, heretofore incorporated by the board of supervisors of the county of Lenawee" be and the same is hereby revised and amended so as to read as follows:

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

SECTION 1. That all that certain tract of land, situate in the township of Seneca, Lenawee county, and State of Michigan, and described as follows, to wit: All of section number six and the west half of section number five in town number nine south, of range two east, and the southwest quarter of section number thirty-two and the south half of section number thirty-one in town eight south, of range two east, be and the same is hereby constituted a village corporate, to be known as the village of Morenci. Territory incorporated.

SEC. 2. The inhabitants, [residents] resident, within the boundaries aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "the village of Morenci," and by that name they, and their successors, shall have perpetual succession, be capable of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal and alter the same at pleasure; and shall also have power to purchase, hold and convey such real and personal estate as the purposes of the corporation may require. Body corporate and politic.

ARTICLE II.

OF THE OFFICERS OF SAID VILLAGE.

SECTION 1. The officers of said village shall be a president, officers. six trustees, one clerk, one marshal, who shall also be the collector of taxes and assessments, one treasurer, one assessor, and such other officers to be appointed by the board of trustees as hereinafter provided for, as may be necessary to carry out the provisions of this act.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

Election of officers.

SECTION 1. The inhabitants of said village, having the qualification of electors under the constitution and laws of the State of Michigan, shall meet at such place as the board of trustees shall select, within the corporate limits of said village, on the first Monday of March of each and every year, and there proceed to elect one president, one clerk, one marshal, one treasurer, and one assessor, who shall hold their offices for one year, and three trustees, who shall severally hold their office for two years; and the inspectors of such election shall, immediately after the canvass shall be finished, certify thereto officially; but such trustees as are in office at the time this act shall take effect, shall hold their offices for the term for which they were elected under the charter as it existed at the time this act takes effect.

Term of office.

SEC. 2. The term of office of all officers shall commence immediately after their election and qualification, and continue until the election and qualification of their successors.

Election may be held at other than time designated.

SEC. 3. If an election of the officers of said village shall not be held on the day in any year when, pursuant to this act, it should be held, or if an election should be held, and the same shall be void by reason of any irregularity therein, the said corporation, for that cause, shall not be dissolved; and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election.

Present officers to hold.

SEC. 4. The officers in office in said village at the passage of this act, shall continue to hold their offices and perform the duties thereof until others are elected and qualified under the provisions of this act.

Opening and closing of polls.

SEC. 5. The polls of all elections held in said village shall be opened at ten o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day and no longer; but the board may adjourn the polls at twelve o'clock noon for one hour in their discretion; but they shall cause proclamation to be made of the opening and closing of the polls, and shall cause proclamation to be made of each adjournment at least fifteen minutes previous thereto.

ARTICLE IV.

OF THE QUALIFICATIONS OF OFFICERS.

Eligibility to office.

SECTION 1. The officers elected in pursuance of the provisions of this act, or appointed as hereinafter provided for, shall be residents of, and legal voters in said village.

SEC. 2. Every officer elected or appointed under the provisions of this act, before he enters upon the duties of his office,

and within two weeks from such election, shall take and sub-
 scribe an oath or affirmation, to be administered by the clerk
 of said village, or some other officer authorized to administer
 oaths, to support the constitution of the United States and
 of this State, and that he will faithfully and impartially dis-
 charge the duties of his office according to the best of his
 ability; a record of which oath shall be made in writing and
 kept by the clerk of said village.

Oaths of office.

SEC. 3. The treasurer, marshal and such other officers as the
 board of trustees may require so to do, shall each respectively
 and severally, before they enter upon the duties of their office,
 execute a bond to the village of Morenci, in such sum and
 with such sureties, as the board of trustees shall approve, con-
 ditioned that they will faithfully execute the duties of their
 office, and honestly and faithfully account for and pay over all
 moneys received by them, by virtue of their office; which bond,
 with the approval of the board of trustees indorsed thereon,
 certified by the clerk, shall be delivered to and filed with the
 clerk of said village.

Official bonds.

ARTICLE V.

OF THE PRESIDENT OF SAID VILLAGE.

SECTION 1. The president shall be *ex officio* a member of
 the board of trustees, and shall have the same powers and be
 subject to the like duties and responsibilities of a trustee.

President ex-
officio member
of board of
trustees.

SEC. 2. It shall be the duty of the president to preside at
 all meetings of the board of trustees; call special meetings of
 the board of trustees whenever he shall deem it necessary
 or expedient, and whenever it shall be demanded in writing,
 for any special purpose, by three of the trustees, or ten
 electors of said village; and he shall preside at all elections
 held under and by virtue of this act, except as hereinafter
 provided.

Duty of presi-
dent.

SEC. 3. The president shall see that the laws, by-laws,
 rules, regulations and ordinances of said village are faithfully
 enforced and prosecute in the name of the people of the
 State of Michigan, or in the name of the village of Morenci,
 all offenses against the same and for all penalties, fines and
 forfeitures incurred under the provisions of this act, or under
 the by-laws, rules, regulations or ordinances passed by virtue
 thereof.

To enforce all
ordinances.

SEC. 4. He shall receive and lay before the board of
 trustees the official reports of all officers who may be required
 to make such reports, and in connection therewith, suggest the
 passage of such measures as in his judgment the necessities of
 the village may require.

To lay reports of
officers, etc.,
before the board.

SEC. 5. He shall appoint, by and with the consent of two-
 thirds of the trustees, one or more fire-wardens, and such other
 officers as may be necessary to carry out the provisions of this
 act: *Provided*, That no officer so appointed, shall hold his

To appoint fire
wardens.

Proviso.

office for a longer period than during the official term of the president so appointing him.

To have control of village property.

SEC. 6. The president shall inspect, and have the supervising control of all the property belonging to said village and shall see that the same is properly cared for and kept in order.

To sign orders for payment of money, etc.

SEC. 7. He shall sign all orders for the payment of money out of the treasury, as allowed by the board of trustees, and he shall sign all by-laws, rules, regulations and ordinances passed by the board of trustees, and perform all other acts and duties not inconsistent with the provisions of this act, that may be required of him by the said board.

ARTICLE VI.

OF THE BOARD OF TRUSTEES.

Quorum.

SECTION 1. A majority of the trustees shall constitute a quorum to do business, but any number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties, as the board of trustees shall prescribe.

Power and duty of board of trustees.

SEC. 2. The board of trustees shall have the control and management of all the finances, and of all real and personal property of said corporation, and shall examine and settle all accounts and claims which may be legally chargeable against [said] such village. But any person who shall claim damages against said village, for any injury to the person or property, caused by defects in the public streets, lanes, alleys, grounds, sidewalks, cross-walks, sewers, gutters, bridges, culverts or other public works of said village, shall, within sixty days from the time of such injury, file, or cause to be filed, with the clerk of said village, a written notice of his claim, containing a statement of the nature of such injury, the time and place when and where it occurred, and the particular defect in the street, lane, alley, grounds, sidewalk, cross-walk, sewer, gutter, bridge, culvert, or other public work, which it is claimed caused such injury; and no suit or proceeding shall be had against said village for the recovery of such damages, unless such notice of claim shall be filed as aforesaid, but all claims for such damages shall be wholly barred.

Additional powers and duties.

SEC. 3. The board of trustees shall have full power, within said village as follows, to wit:

President pro tem.

First, To elect one of their number president *pro tem* as hereinafter provided;

To define powers and duties of officers.

Second, To declare and define the powers and duties of the officers of said village, whose powers and duties are not specifically prescribed in this act;

To approve official bonds.

Third, To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal and other officers as they shall deem proper to require security from, in the discharge of official duty;

Care and custody of public property.

Fourth, To provide for the care, custody and preservation of the public property of said village;

Fifth, To see that the several officers of said village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them; To see that officers perform their duty, etc.

Sixth, To purchase and keep in order fire-engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department, and define the duties of its members, and prescribe penalties for their delinquencies; To organize fire department.

Seventh, To establish fire limits within which no wooden [building] buildings shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and the putting up of stoves and stove pipes; to enter into any house, shop, store or other building and examine stoves, stove pipes, chimneys and flues, whenever it may be, by said board, considered necessary; and to order the safe and careful fixing and arranging of the same; to regulate the construction of smith shops, planing establishments, buildings where steam-engines are used, bakeries and other buildings which are considered extra hazardous by the said board of trustees, and to order how the same shall be managed to prevent danger by fire; to guard against fires, and to compel the owners of lots, or owners or occupants of buildings, in such portion of the village as they shall deem best, to provide one or more fire buckets, and to regulate the safe and convenient keeping of the same; to compel the owners or occupants of buildings to provide ladders of sufficient length to reach to the roof of their respective buildings, and to keep them where they can be readily obtained in case of fire; and to make all needful rules and regulations for the protection of property in the said village against fire; To establish fire limits, etc.

Eight, To prevent vice and immorality, and to preserve peace and good order, to establish and maintain a competent police; to suppress and close up all disorderly houses, houses of ill-fame or licentiousness, gambling tables, billiard tables, pigeon hole tables, whether kept for gambling or not if used kept or run for public hire or public resort, or any other [device] devise or instrument for gaming; to punish the keepers of the same when so kept, run or used in violation of any rule, by-law, regulation or ordinance of said village; to cause vagrants, idlers, eavesdroppers, disorderly persons, mendicants, street beggars, common prostitutes, impostors and common drunkards to be apprehended and punished; Vice and immorality. Disorderly houses. Gaming. Punish keepers of gaming houses. Vagrants.

Ninth, To prevent the establishment of gift enterprises, and punish the owners and managers of the same, and to prevent the selling or giving away of any spirituous or fermented liquors; To prevent gift enterprises, and selling or giving away liquors.

Tenth, To license and regulate theaters, shows, traveling auctions, auctioneers, auction sales, saloons, restaurants, taverns, hotels, common victualing houses, inns and other places of public refreshment, and any person or persons conducting the same; and hawkers, hucksters, peddlers, pawnbrokers, porters, draymen, coachmen, and patent-right sellers and venders, and charge such license fees as the board of trustees shall think To license hotels, taverns, etc. Limit of license fees.

Proviso.

proper, not exceeding twenty-five dollars per day, or one hundred dollars per year; and to impose punishment by fines, penalties, forfeitures and imprisonment, or both fine and imprisonment upon all persons who shall engage in such occupation or business without such license: *Provided*, That nothing herein contained shall be construed to allow the board of trustees to grant licenses for the sale of spirituous, fermented or intoxicating liquors, or liquors a part of which shall be spirituous, fermented or intoxicating; nor to allow the said board to grant licenses to any person or persons, to have, keep, set up or operate any gambling table, billiard table, pigeon hole table, wheel of fortune, or any device or instrument whatever for gaming, whether kept for gaming or not, if used, kept or run either for public hire or public resort: *And provided further*, That nothing herein shall be construed to authorize the board of trustees to require a license fee of any person or persons who shall sell, or offer for sale, any poultry, or meat by the quarter or larger quantity, or who shall sell or offer for sale any dairy or agricultural products;

Further proviso.

Fees of hackmen, draymen, etc.

Eleventh, To establish the compensation of draymen, coachmen and hackmen, and to prevent runners from unreasonably soliciting travelers;

Fast driving, etc.

Twelfth, To prevent and punish inordinate riding or driving on any of the streets, lanes, alleys, or public grounds in said village, and to prescribe penalties for leaving teams or horses in the streets, lanes, alleys or public grounds unfastened, or for fastening any stallion, bull, or vicious animal to any post, or other thing along side of or near to any sidewalk, or in any street, lane or alley, or public [ground] grounds in said village;

To regulate "standing" of stallions, etc., in village.

Thirteenth, To prevent and punish any person who shall stand any stallion, bull or jack within certain prescribed limits of said village, prescribed by said board, except as may be especially permitted by said board, and to prevent and punish any person having charge of any such animal who shall allow any children under fifteen years of age to be present at the time of such standing;

Nuisances.

Fourteenth, That said board of trustees shall have power, and it shall be its duty, to prevent and remove nuisances; to punish any person who shall commit a nuisance; to prevent the placing or keeping upon or in any private premises in said village, any garbage, refuse matter or any substance whatever deemed by said board to be offensive to the public or injurious to the health of the community, to remove the same and to punish by fine, imprisonment or both, any person or persons who shall place or keep, or permit to be placed or kept, any such garbage, refuse matter or other such substance, upon premises owned or occupied by him; to prevent the spreading of any contagious or infectious disease, to care for and treat patients [affected] effected therewith when said board shall deem it expedient so to do, and to select and employ competent physicians to attend such patients, and shall possess all the powers now enjoyed or hereafter given to health officers, under the laws of this State;

To possess powers of board of health.

Fifteenth, To compel the owners and occupants of lots to clean the sidewalks in front of or adjacent thereto of snow, ice, dirt or other obstruction or incumbrance; Incumbrance of sidewalks.

Sixteenth, To prevent the use of fire-arms, fire-works, fire-crackers, sling shots, metal knuckles and other weapons within the limits of said village; Use of fire-arms and other weapons.

Seventeenth, To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, lumber and other combustible materials; Combustibles.

Eighteenth, To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, lime, coal, wood, brick and shingles and the storage of the same; Markets.

Nineteenth, To restrain horses, cattle, sheep, swine, mules and other animals, geese, hens, ducks and other fowls from going at large, under such penalty as said board may prescribe by by-laws, rules, regulations and ordinances; and to establish and maintain pounds for the restraint of such animals, or fowls, running at large in violation of any by-laws, rules, regulations or ordinances; and to make all needful rules and regulations for the same; Pounds and the impounding of cattle, etc.

Twentieth, To prevent the running at large of dogs; to require them to be muzzled, and to authorize their destruction if found at large in violation of any by-laws, rules, regulations or ordinances of the village; and to impose taxes on the owners or keepers of dogs; Dogs.

Twenty-first, To cause such of the public grounds, streets, lanes, and alleys within said village, as the board shall deem proper, to be lighted, at such times, and by such lights, means, appliances, plants and apparatus as it shall deem most expedient; Lighting of streets.

Twenty-second, To establish lines upon which buildings may be erected, and beyond which such buildings shall not be extended; Street lines.

Twenty-third, To prevent the erection and provide for the removal of all buildings deemed unsafe; and in case any occupation shall be carried on in any building within said village, deemed by said board to be hazardous to the interests of the community, it may compel the person or persons engaged therein to cease from such business or occupation in said building and in case such person or persons shall refuse or neglect so to do, after reasonable notice, he or she shall be liable to such fine or imprisonment, or both as said board of trustees shall by by-law, rule, regulation or ordinance prescribe; Unsafe buildings and business.

Twenty-fourth, To regulate the placing and preservation of hitching posts, and provide for the removal of the same when deemed unnecessary; to provide for the erection and maintenance of railings and barriers along the streets, lanes, walks and alleys of said village when necessary, and to require the owners of buildings and lots adjacent thereto to erect and maintain the same at their own expense. To provide for and regulate the planting, cultivating, preservation and trimming of shade and Hitching posts.

Shade trees.

	ornamental trees and hedges upon or along the public streets, lanes and alleys in said village, and for the removal of the same when the board shall deem such removal necessary; to provide by by-law, rule, regulation or ordinance for a reduction of corporate taxes assessed to any person, who shall, pursuant to any regulation the board shall adopt, plant any such shade or ornamental trees or hedges. And the said board shall have the power to do any work or make any improvement upon the public streets, lanes, alleys and grounds of said village which they shall consider conducive to the health, convenience or well being of the community, or which shall add to the ornamenting of any such street, lane, alley or public grounds, or public buildings of said village;
Incumbrance of streets.	<i>Twenty-fifth</i> , To prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, lanes, alleys, parks or public grounds in said village, and to prevent the removal, and provide for the sale of earth, dirt, sand or gravel from the same; to build hydrants; to establish and construct wells, cisterns and reservoirs; to construct and maintain water-works, to erect hydraulic works for the public use and to prevent the waste of water;
Water-works.	
Bathing.	<i>Twenty-sixth</i> , To prevent bathing in any stream or pond within the limits of said village, and to punish, lewd and lascivious behaviour in any of the streets, lanes, alleys, streams, ponds or public grounds in said village;
Weights and measures.	<i>Twenty-seventh</i> , To regulate the gauging of vessels to be used for measuring liquids, and the sealing of weights and measures; to ascertain and settle boundaries of all streets, lanes, alleys and public grounds, and of private lots, when necessary for the purposes of the corporation; and to establish the grades of such streets, lanes and alleys; and also to order and cause to be drained or filled up any street, lane or alley or public grounds; and to assess the costs and expenses on any premises which said board shall deem benefited by such drainage or filling up; or said board may order the same or any part thereof to be paid out of the general fund of said village;
Boundaries of streets.	
Lock-up, etc.	<i>Twenty-eighth</i> , To regulate the building and maintaining of partition and other fences; to build a lock-up, to be used the same as a county jail; to build sidewalks and cross-walks, as hereinafter provided; to provide for and build all such buildings as said board shall deem necessary or appropriate for the use of said village in the transaction of its business and for the security of its books and records; the protection of fire-engines and other property or apparatus of said village, and for the purposes of a council room and a public hall; and shall have power to permit the use of such buildings, or any part thereof, for all such public meetings, shows, exhibitions, entertainments, and other public gatherings, as shall not be prejudicial to good order or morals, upon such terms as the said board shall, by rule, regulation, by-law or ordinance prescribe;
Public buildings, etc.	
Improvement of streets, public grounds, etc.	<i>Twenty-ninth</i> , To take, purchase, accept, lay out and improve any square, park or public grounds; to construct, widen, pave

and repair any street, lane, alley, bridge, culvert, sewer or drain within the limits of said village; and to lay out, change, alter, or vacate any street, lane, alley, public ground, square or park in said village, and to discontinue and condemn any bridge or culvert which said board may deem unsafe;

Thirtieth, To provide for taking the census and bill of mortality; to regulate the clearing of all trees, logs, and other rubbish or obstructions from the Tiffin river (or Bean creek) and Silver creek, that may prevent or retard the flow of water so as to be unwholesome within the limits of said village, and to punish any person who shall unreasonably clog or fill up the channels of either of said streams, contrary to any rule, by-law or ordinance in relation thereto; Census.
Clearing of
Tiffin River, etc.

Thirty-first, To regulate and prohibit the erection of buildings or using the same within the corporate limits for slaughter-houses; Slaughter
houses.

Thirty-second, To rail and curb, when by said board deemed necessary, all sidewalks at the expense of the owners of the adjoining lots or lands; To curb side-
walks.

Thirty-third, To prevent and punish the disturbance or violation of the Sabbath day; to compel all saloons, restaurants, drinking houses, eating-houses, bar rooms, stores, groceries, livery stables, shops, and all other places of business, to be kept closed during the Sabbath day; and to punish all persons who shall open or keep open the same on that day; to prohibit the opening or keeping open any building or place where spirituous, fermented or intoxicating liquors are sold or given away, or kept for sale or gift as a beverage, on any day designated by the executive of this State as a day of thanksgiving or prayer, or any day designated by the laws of this State as a legal holiday, or on any election day; to prescribe the time when saloons and other places where spirituous, fermented or intoxicating liquors are sold or given away, or kept for sale or gift as a beverage, shall be opened and closed on week days; but no such saloon, or other place last above referred to, shall be opened earlier than six o'clock in the morning, or kept open later than ten o'clock in the evening; to prevent and punish the disturbing of any religious or other meeting, any singing school or day school, any concert or other legitimate congregation of people within said village; Violations of the
Sabbath, etc.

Violation of
holidays and
election day.

To regulate the
opening and
closing of
saloons, etc.

Thirty-fourth, To authorize the building and placing of signs, awnings or other things which may project within the limits of any street, lane or alley, within said corporation; Awnings, signs,
etc.

Thirty-fifth, To prevent disorderly assemblages and to suppress riots; Riots.

Thirty-sixth, To determine and declare what shall constitute a nuisance, and to punish for creating or keeping the same; Nuisances.

Thirty-seventh, To regulate the ringing of bells, the crying of goods on any of the streets, lanes, alleys or public grounds of said village; Crying of goods.

Thirty-eighth, To punish any person who shall, by loud and disturbing noises, by quarreling or fighting, by rude or boister- Disturbance of
the peace.

ous conduct, or in any other manner, disturb the peace of the community; or who shall, in any store, grocery, shop, restaurant, saloon, eating-house, bar room, hotel, tavern, office or other place of business; or in any public street, lane, alley or other public place in said village, speak or utter any profane, vulgar, obscene, blasphemous or indecent words or language; or who shall in any of the places aforesaid, be guilty of any obscene, vulgar, lascivious, immoral or indecent conduct or behavior;

Fire alarms,
etc.

Thirty-ninth, To regulate the ringing of church bells and fire bells as fire-alarms;

Bonfires.

Fortieth, To restrain the making of bonfires, the burning of leaves and shavings, straw or other materials and the building of fires out of doors within the limits of said village;

Survey of streets.

Forty-first, To authorize and make surveys, and to establish the line of any street, lane, alley, highway, public ground, plat, or addition in or to any part of said village, and to keep a record of such surveys in a book kept for that purpose; such surveys to be duly certified by the surveyor making them to be correct. *Further*, Such record of such surveys so duly certified shall be *prima facie* evidence in any court of law or equity in this State, as to the correctness of any boundary line of any lot, or line of any street, lane, alley, highway, public grounds, plat or addition should any matter of dispute arise relating thereto; .

Certified records
prima facie evi-
dence of correct-
ness.

To appoint a
village attorney.

Forty-second, To appoint a village attorney if deemed necessary by said board and to declare the amount of his annual salary;

Speed of cars.

Forty-third, To regulate the running of locomotives and cars; to establish their rate of speed through the corporate limits of said village, and to prevent children and other persons getting on trains while in motion;

Cemeteries.

Forty-fourth, To provide burial places; to regulate the burial of the dead in all burial places within said corporate limits; to protect and preserve the monuments, tombstones, trees, shrubbery, property, ornaments, improvements, grounds and bushes in and around any cemetery or burial place in said village or any cemetery which shall be acquired by virtue of this act, and to appoint a proper person to have the charge and control of the same and also to discontinue any cemetery or burial place in said village and cause the removal of the bodies from the same when in the judgment of said board the same shall be necessary or expedient;

Idem.

Forty-fifth, To purchase or take for burial places or cemeteries, as provided in article nineteen of this act, any lands, not exceeding forty acres, within or without the corporate limits of said village, optional with said board of trustees: *Provided*, Such lands so selected shall lie in the township of Seneca or Medina, aforesaid; and to have the same power and jurisdiction over such parcel or parcels of land, purchased or taken for the purpose aforesaid, as they would have if said lands were included within the boundaries of said village;

Proviso.

Forty-sixth, The board of trustees, or any two of them, shall have power in said village, whenever any building shall be on fire, to order and direct such building or any other building which they may deem hazardous, and likely to communicate fire to other buildings, or any part of such buildings to be pulled down and destroyed. Any person interested in such building so destroyed or injured, may at any time, within three months thereafter, apply to the board of trustees to pay to him the damages sustained, and may agree with said board as to such damages, and said board may order the damages so agreed upon to be paid out of the contingent fund of said village. No action shall be commenced against any person so assisting or against said village for any such damages, unless the person claiming the same shall have presented his said claim to said board within said three months, and a reasonable time shall elapse, after said claim shall have been so presented, to enable said board to agree with him as to such damages and to pay the same before the commencement of said action. Whenever the tax roll of said village shall be made out as provided by this act; it shall be lawful to include in said tax roll the amount of the damages which may have been so agreed upon, or which may have been so recovered, in any action brought to recover the same, and collect the same as other assessments provided for in this act;

Powers of trustees in relation to fires.

Persons interested in buildings torn down at fires.

Board may order damages paid out of contingent fund.

Proceedings relative to damages.

Tax roll to include damages agreed upon.

Forty-seventh, If it shall be agreed upon between said applicant for damages so sustained, and said board of trustees, as to the amount of damages so sustained, then said board of trustees shall issue to said applicant a certificate of indebtedness in the name of the village of Morenci, signed by the president of said village and countersigned by the clerk thereof; but no such certificate of indebtedness shall in any manner whatever cause the members of said board of trustees or said president or clerk, or either of them, so signing the same to be personally liable for such indebtedness; and such certificate of indebtedness, so signed, shall be *prima facie* evidence of the indebtedness of the said village of Morenci to the person so claiming such damages, his, her or their heirs and assigns. Such certificate before it can be transferable shall have impressed thereon the seal of the village of Morenci, and the person receiving such certificate shall sign and make out on the record of said village a satisfaction in full for such damages, that no further claim shall be made for such damages;

Certificate of indebtedness issued for damages.

Board not personally responsible.

Village to be responsible. □

Certificate to bear seal of village.

Forty-eighth, To determine and declare the amount of any contingent fund to be raised by assessment as hereinafter provided; and the board of trustees may, when they shall deem it advisable, apply such contingent fund or any portion thereof to defray the expenses of building or repairing any sidewalk, cross-walk, the improvement of any street, lane, alley, highway, sewer, bridge or culvert, or for the repair or improvement of any public building of said village or to pay any damages assessed, or any claim allowed or judgment recovered against

Contingent fund.

Disbursement of.

said village or any order or certificate of indebtedness of said village; but all orders on the treasurer of said village shall be signed by the president and countersigned by the clerk, and sealed with the seal of the "village of Morenci;"

Width of streets,
etc.

Forty-ninth. To have the power to establish and declare the width of all streets, lanes and alleys, and the dimensions and boundaries of the subdivisions of any new additions to the said village, and the location of the streets, lanes and alleys thereon.

Trustees to be
street commis-
sioners.

SEC. 4. The board of trustees shall be the commissioners of highways within and for said village, and as such shall have all the powers that are now, or may hereafter be granted to the commissioners of highways of the several townships of this State, together with such other powers as may be necessary to carry out the provisions of this act, and may appoint one or more street commissioners as they shall deem best: *Provided*, That the bridges and culverts within the limits of said village shall be built and kept in repair by the township in which such bridge or culvert shall be built.

Proviso.

Construction of
sewers, paving
streets, etc.

SEC. 5. The board of trustees shall, upon the petition in writing of a majority of the freeholders along the line of any of the proposed works hereinafter mentioned, praying for the construction of the same, order and direct the building and construction of sewers in, or the paving of any street, highway, lane or alley in said village; and the building and construction of any other public work for the improvement of any such street, highway, lane or alley, and assess the whole, or such part as said board shall see fit, of the cost and expense thereof, upon the lots and premises lying on either side of, and abutting upon such work or improvement, which said assessment shall be made upon each of said lots and premises in the proportion that the frontage of each of said lots and premises shall bear to the whole frontage of all the lots and premises upon which said cost and expenses is to be assessed:

Expense may be
assessed to
owners of prop-
erty benefited.

Proviso.

Further proviso.

Provided, That said board may, if it shall see fit, pay the whole or any part of such cost and expense out of the highway or other appropriate funds of said village: *And provided further*, That all the cost and expense of grading streets, highways, lanes and alleys in said village shall be paid out of the highway or other appropriate funds of said village. Said board shall have the power, when it shall deem it for the [interest] interests of said village, without the petition required as aforesaid, to construct sewers in, or pave any of the public streets, highways, lanes or alleys in said village, or construct any other work for the improvement of the same as aforesaid, and, at its option, either pay the whole or any part of the cost, and expense thereof, out of the funds aforesaid, or assess the whole or any part thereof upon the lots and premises lying upon either side of and abutting upon said work or improvement in the same manner as above provided in this section: *Further*, The board of trustees shall also, upon the petition in writing of a majority of freeholders owning lands along and abutting upon any proposed sidewalk, prayed for in such

Expense may be
assessed to own-
ers of property
benefited.

Power to build
sidewalks, etc.

petition, establish, lay out and construct such sidewalk, and pay the whole or any part of the cost and expense thereof, out of the highway or other appropriate funds of said village, or the said board may, at its option, require the owner or owners of the respective lots and premises, adjoining to or abutting upon such sidewalk, to build and construct such portion of the same as shall lie along or in front of their respective lots and premises, within such time after service of notice upon them, as the board of trustees shall by ordinance prescribe; and in case the said owner or owners of such lots and premises shall not build and construct such portion of such sidewalk in the manner and within the time so prescribed by said board, the said board may cause the same to be built and constructed, and assess the [cost] costs and [expense] expenses thereof to the lots and premises along or in front of which such portion of such sidewalk shall be so built and constructed: *Provided*, That the cost and expense of building and constructing all cross-walks, and of grading for all sidewalks, shall be paid out of the highway or other appropriate funds of said village: *Further*, The board of trustees shall have power to preserve and keep in repair all sidewalks in said village, and to pay the expense of repairing the same out of the highway or other appropriate funds of said village; or, at its option, require the owners, occupants or agents of the lots and premises, along or in front of which such sidewalks shall be, to repair the same, in such manner as said board shall prescribe, upon such notice and within such time as said board shall by resolution, rule, regulation, by-law or ordinance provide; and if such owner, occupant or agent shall not, in the manner and within the time so prescribed by said board, repair such sidewalk, the said board may cause the same to be repaired, and assess the cost and expense thereof to the lots and premises along or in front of which said repairs shall be made. All the assessments for cost and expenses provided for by this section shall, from the time of such assessment, be and remain a lien upon the respective lots and premises so assessed until paid; and shall also be a personal charge against and liability of the owner or owners of such lots and premises and recoverable in any court of competent jurisdiction.

Board may require property owners to build sidewalks.

In case property owners neglect to obey.

Proviso.

Repairs of sidewalks.

Board may require property owners to repair sidewalks.

In case property owners neglect to obey.

Assessments a lien.

SEC. 6. The board of trustees may take the land of any individual for the purpose of constructing, widening or extending any highway, street, lane, alley, ditch, drain or sewer, but not until such individual shall be paid therefor, and for the damages caused by such appropriation, as provided for in article nineteen of this act.

May take private property for public improvements.

SEC. 7. The board of trustees may, at any time during the year, order and compel fences to be removed, or the opening, widening and extending any highway, street, lane or alley within said village.

Removal of fences, etc.

SEC. 8. For the purposes hereinbefore enumerated, and for the execution of the powers conferred upon said board of trustees by this act, the said board shall have the power to

Ordinances, by-laws, etc.

Penalty for violation.

make, pass, publish, modify, amend and repeal by-laws, rules, regulations and ordinances, and prescribe fines, penalties, and imprisonment for the violations of the same, not exceeding fifty dollars fine, or imprisonment in the village lock-up, or county jail not exceeding the period of sixty days, together with the costs of prosecution, for any one offense, or both such fine and imprisonment, and costs of prosecution for any one offense, in the discretion of the court passing sentence. And said board may further provide that in case any fine or costs imposed by any court of competent jurisdiction, shall not be paid by the party sentenced to pay the same, that such party may be committed to the village lock-up or county jail until the same shall be paid or he shall be discharged according to law; but no person shall be imprisoned under the provisions of this act for a period longer than sixty days for any one offense.

Ordinances, by-laws, etc., to be published.

SEC. 9. No rule, by-law, regulation or ordinance, passed by virtue of the authority of this act, shall have any force or effect until it shall have been published at least two successive weeks as provided in section one, article twenty, of this act.

Certified copies prima facie evidence.

SEC. 10. Printed copies of such by-laws, rules, regulations, and ordinances, certified by the president of said village, to have been printed by order of the board of trustees, shall be received in evidence by all courts in this State, without further proof and shall be *prima facie* evidence of the due and legal passage and publication of such by-law, rule, regulation or ordinance.

ARTICLE VII.

OF JURISDICTION OF COURTS.

Township justices to have jurisdiction

SECTION 1. Any justice of the peace of the township of Seneca shall have jurisdiction to issue all needful process, and to hear, try and determine all complaints and proceedings for the violation of the provisions of this act or any of the by-laws, rules, regulations and ordinances adopted by said board, and all actions wherein said village shall be a party, of which a justice of the peace has, or may have jurisdiction under the laws of this State, but nothing herein to waive, abridge or enlarge the territorial jurisdiction of such justices as defined by the law of this State.

Trial by jury.

SEC. 2. Nothing in this act shall be construed to take away or abridge the right of trial by jury, but the same shall be preserved inviolate in all such cases, and to the same extent, as it is guaranteed by the constitution and laws of this State.

ARTICLE VIII.

OF THE CLERK OF SAID VILLAGE.

Duties of clerk.

SECTION 1. The clerk shall attend and act as such at all elections in said village, all meetings of the board of trustees,

record their proceedings, file, preserve and keep all books and papers belonging to said corporation, and appertaining to his office; preserve and have charge of the corporate seal, attend to the publication of all by-laws, rules, regulations, ordinances and notices, as the board shall direct, and perform such other duties as the board shall from time to time prescribe.

SEC. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election within five days thereafter. Poll list, etc.

SEC. 3. The clerk shall give at least two weeks' notice of the time and place of holding all elections under this act, either by publishing the same in a newspaper printed and circulated in said village, or by posting the same in three of the most public places in said village. Notice of elections.

SEC. 4. The books, files, papers and records in the office of said clerk, shall be deemed public records, and shall at all reasonable times, on demand, be produced for inspection to any person having a legitimate interest in inspecting the same; and upon demand and tender of fees, at the rate of ten cents per folio therefor, the said clerk shall make a certified copy or transcript of any paper or record in his office, or kept by him as such clerk, and all copies of papers duly filed in his office; and all transcripts of records in his office, certified to by him, under the seal of said corporation to be true copies or transcripts thereof, shall be received in evidence in all courts in this State in like manner and with like effect as if the original were produced. Records, etc., subject to inspection. Fees for certified copies, etc.

SEC. 5. In case of the absence of the clerk from any [meeting] meetings or elections at which he shall be required to officiate, his duties upon such [occasions] occasion shall be performed by such person as the board of trustees shall appoint for the time being. In case of absence of clerk.

ARTICLE IX.

OF THE MARSHAL OF SAID VILLAGE.

SECTION 1. The marshal of said village shall have the general supervision of the village, and see that the by-laws, rules, regulations and ordinances passed by the board of trustees according to the provisions of this act, are enforced. Duty of marshal.

SEC. 2. He shall be chief of police of the said village, and is hereby vested with the powers and duties of a constable under the laws of this State, except the power to serve process in civil cases, where said village is not a party; he shall serve all notices required to be served by the board of trustees or by the by-laws, rules, regulations or ordinances of said village, and all process, civil or criminal, when said village is a party complainant or plaintiff; he shall have the power, and it shall be his duty to suppress all riots and disorderly assemblages, and to preserve peace and good order within said village; he may arrest without warrant any person who shall, in his presence, To be chief of police, power and duty of. May arrest without warrant.

May enter buildings in certain cases to make arrest.

commit a breach of the peace or any violation of the by-laws, rules, regulations or ordinances of said village, and may in like manner, arrest without warrant within said village, any person whom he has good reason to believe has been guilty of a felony. In case of such arrest without a warrant, he shall, as soon as practicable, take the person so arrested before some officer or magistrate having jurisdiction of the offense, and make or cause to be made against him a complaint in due form of law for such offense, and cause him to be otherwise dealt with according to law; he shall also have power, when he shall have good reason to believe that there is secreted and concealed, in any house or building in said village, any person who has committed a felony, or any person who has committed a breach of the peace in his presence, and is fleeing from arrest, to enter such house or building and arrest such person with or without process, and shall proceed with such person, after such arrest, as hereinbefore provided. He shall also have power, and it shall be his duty, in all cases [where] when he shall have good reason to believe, that any person has committed an offense against any of the by-laws, rules, regulations or ordinances of said village, for which an arrest may be made, to make or cause to be made, complaint in writing and on oath against such person for such offense, and cause him to be arrested and taken before a magistrate or officer having jurisdiction of such offense to be dealt with according to law; and the said marshal shall perform such other duties as the board of trustees shall from time to time prescribe.

Relative to arrest of persons for violating city ordinances.

SEC. 3. The said marshal shall have full power and authority to enter any house, building or place where he may have good reason to believe spirituous, fermented or intoxicating liquors are being sold or given away contrary to any rule, by-law, regulation or ordinance of said village, or where he has good reason to believe any billiard table, pigeon hole table, or other instrument or device for gaming is kept contrary to any rule, by-law, regulation or ordinance of said village. And in such case he shall find in any such building, house or place a bar, or any spirituous, fermented or intoxicating liquors, kegs, barrels, jugs, tumblers, decanters, bottles or any other vessels or materials as are usually kept in liquor or beer saloons; or if he shall find in such house, building or place, any billiard table, pigeon hole table or other device or instrument which he shall have good reason to believe are being kept and used contrary to any rule, by-law, regulation or ordinance of said village, he may forthwith without process, arrest the person or persons so keeping such liquors, decanters, vessels, kegs, tumblers, barrels, jugs, bottles, tables and materials above specified, and take him or them before some officer or magistrate having jurisdiction of the offense, and proceed with him or them in the same manner as hereinbefore provided in case of arrest without warrant, and the sworn testimony of said marshal to finding and seeing the liquors, materials or articles aforesaid shall be *prima facie* evidence against the person so arrested.

SEC. 4. He shall have the power to compel the citizens to aid in extinguishing fires. May demand aid at fires.

SEC. 5. The marshal shall be collector of taxes in said village, and shall have full power to collect the same, as is provided for in article thirteen of this act. Collector of taxes.

SEC. 6. The marshal shall, at all times, be subject to the direction and control of the board of trustees, and shall whenever directed by said board or by the president of said village, make complaint in writing and on oath, before any justice of the peace having jurisdiction in and for said village for any violation of the by-laws, rules, regulations, or ordinances of said village passed by virtue of the provisions of this act, but nothing herein shall be construed to deprive said marshal of, or abridge any of the powers given him by sections two and three of this article. To be under control of board of trustees.

SEC. 7. All proceedings, suits and prosecutions under the by-laws, [rules,] regulations and ordinances of said village may be in the name of the "village of Morenci," or of the "people of the State of Michigan," and the jurisdiction of the marshal to serve process in such case shall be co-extensive with that of a constable under the laws of this State. Suits to be in name of village. Jurisdiction to serve process.

SEC. 8. The marshal shall report in writing to the board of trustees from time to time, as he may be required by resolution of said board, of all his actions and doings by virtue of his office, which reports shall be filed with the clerk of said village. Reports to be filed with clerk.

SEC. 9. The marshal may be removed from office by a majority vote of the trustees, for any refusal or neglect to comply with any lawful order or direction of said board or for any gross neglect in the discharge of his official duties; but the cause of such refusal and removal shall be, in all cases, spread at large upon the records of the village and he may be heard in his defense before said board at any such effort to remove him. Removal from office.

ARTICLE X.

OF THE TREASURER OF SAID VILLAGE.

SECTION 1. The treasurer shall receive all moneys belonging to said corporation and disburse the same under the direction of the board of trustees. Duties of treasurer.

SEC. 2. He shall make and keep a correct record and account of all such receipts and disbursements, and at the last regular meeting of the board of trustees, prior to the annual election, and at any other time when called upon by a resolution of said board so to do, shall present to said board in writing, a report of all items of receipts and disbursements, with a statement of the debts, dues and demands of said corporation. To keep account of receipts and disbursements.

SEC. 3. The treasurer shall not pay any money on account of said village, except upon the order of the board of trustees, and on a warrant signed by the president and countersigned by the clerk, and stamped with the seal of the village of Morenci. Disbursements.

Sales for taxes.

SEC. 4. The treasurer shall have full power to sell and convey all lands returned for delinquent taxes, as provided for in article seventeen of this act.

ARTICLE XI.

OF THE ASSESSOR OF SAID VILLAGE.

Duties of assessor.

SECTION 1. It shall be the duty of the assessor, once in each year, to make an assessment roll containing a description of all the real and personal property in said village liable to taxation, and the name of the owner or occupant or agent thereof, if known, and set down in such roll the valuation of such property at its true cash value, and the same, as for State and county purposes, as near as may be, and as provided for in articles fifteen and sixteen of this act, and to perform such other services as are provided for in said articles fifteen and sixteen.

ARTICLE XII.

OF VACANCIES IN OFFICE.

Vacancies, how filled.

SECTION 1. A vacancy in the office of any of the officers of said village, except the president, shall be filled on appointment by the president, ratified by the board of trustees; and the said board shall, at their first regular meeting after each annual election, or as soon thereafter as practicable, elect from their number a president *pro tempore*, who shall in the absence of the president, discharge all of the duties, be subject to the like responsibilities and exercise the same powers herein provided for in the office of president.

Idem.

SEC. 2. In case any vacancy shall occur in the office of president by the death, removal or resignation of the president or the president *pro tempore*, the board of trustees shall have power to appoint a president or a president *pro tempore*, to fill vacancy for the unexpired term, and such appointee shall be subject to like responsibilities and exercise the same powers as herein provided for, the same as if he had been elected to such office.

ARTICLE XIII.

OF COMPENSATION OF OFFICERS.

Compensation of officers.

SECTION 1. The president and trustees shall receive no compensation whatever for attendance at the regular meetings of the board of trustees, but they shall, when acting on committees, receive such compensation as the board of trustees shall determine.

Idem.

SEC. 2. All other officers of said village shall receive such compensation as the board of trustees shall by resolution direct, and all such compensations shall be paid out of the contingent fund.

ARTICLE XIV.

OF THE LIMIT OF TAXATION.

SECTION 1. The board of trustees shall have power to raise by general tax, but not including highway and poll-tax, otherwise provided for by sections two and three of this article, upon the taxable inhabitants of said village and the property therein liable to taxation, such sums of money as they shall deem proper, but not to exceed the sum of one per cent in any one year upon the assessed value of such property, to defray the general expenses of the corporation, and to carry into effect the several powers and privileges of this act.

Power to levy taxes.

Limit of taxation.

SEC. 2. The board of trustees shall have power to levy a highway tax upon the real and personal property liable to taxation in said village, not exceeding in any one year the sum of one-half of one per cent upon the assessed value of such property, to be expended exclusively upon highways, culverts, sewers, bridges, streets, lanes, cross-walks, sidewalks and alleys of said village, as the board of trustees shall direct.

Highway taxes.

SEC. 3. The board of trustees shall have power to levy and cause to be collected, in each and every year, a poll-tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards and not exceeding the age of fifty years, excepting from poll-tax, paupers, idiots, lunatics and others excepted by the laws of this State, and all moneys collected by virtue of this section shall be used and considered as a part of the highway fund.

Poll tax.

SEC. 4. No other highway tax shall be levied and collected in said village, excepting those mentioned in sections two and three of this article; and the tax specified in said sections shall be included and subjected to the same proceedings as by this act are required to be had upon the general tax.

Relative to highway taxes.

SEC. 5. The board of trustees may cause to be raised such further sum as they may deem necessary, not exceeding the sum of two per cent upon the assessed value of property in said village, by special tax: *Provided*, That the consent of the majority of the taxable inhabitants of said village authorized to vote, who are present and voting at an annual or special meeting called for that purpose, be obtained.

Special taxes, limit of.

Provide as to consent of majority of taxpayers.

SEC. 6. Before any tax for such further sum can be voted for at any meeting, a notice must be published by order of the board of trustees, and signed by the clerk of said village, for at least two weeks before such meeting, by publishing the same in a village newspaper, if there shall be any published in said village, and by posting the same in at least six public places in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sum proposed to be raised.

Notice of special meeting of taxpayers.

SEC. 7. The vote of any special tax shall be by ballot, which shall have written or printed on the inside the words, "for the tax" or "against the tax" and be deposited in a sepa-

Manner of voting on special taxes.

rate box, to be labeled, "village tax" and all other proceedings had therein shall be the same as provided for in this act for holding elections.

Proceedings for
assessing, etc.

SEC. 8. The proceedings for assessing, apportioning, reviewing and collecting such tax so voted, shall be the same as those prescribed in this act for the raising of a general tax.

ARTICLE XV.

OF THE ASSESSMENT OF TAXES.

Assessor to
make roll.

SECTION 1. The assessor of said village shall once in each year, and on or before the fourth Monday in April, make an assessment roll, containing a description of all property, both real and personal, liable to taxation in said village, and the name of the owner or occupant or agent thereof, if known, and the names of all persons liable to pay a poll-tax in said village, and shall set down in such roll the valuation of such property at its true cash value, and the same as for State and county purposes, as near as may be, placing the value of real and personal property in separate columns.

Notice of review.

SEC. 2. The assessor, immediately after the completion of the assessment roll and before any tax shall be levied on the same, shall give ten days' notice, by posting in at least six public places in said village, that on a certain day and at a certain place in said village therein named, he with any two of the trustees of said village, appointed by him for that purpose, will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Review.

SEC. 3. The assessor and said trustees at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, they shall then and there alter such assessment roll, as shall appear to them to be just and proper.

Assessor to
certify roll.

SEC. 4. Immediately after the expiration of ten days and review of the assessment roll as aforesaid the assessor and trustees shall certify the said roll under their hands, to the board of trustees of said village.

Trustees to certi-
fy same back to
assessor.

SEC. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general, special and highway tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section five of article six of this act, which said certificate indorsed on said assessment roll, shall be signed by the president and clerk of said village.

ARTICLE XVI.

OF THE APPORTIONMENT OF TAXES.

SECTION 1. The assessor of said village shall, immediately after receiving the assessment roll with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion and set down in three separate columns opposite to the several sums set down as the value of the real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums in dollars and cents as a general, special and highway tax thereon; also, in a fourth column opposite the particular description of individual lots he shall set down the sums severally assessed on said lots as an assessment for special work done as prescribed in section five of article six of this act, to be paid by the owner or owners or parties interested in such real or personal estate; and shall also set down in a fifth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll-tax in said village. Apportionment of taxes.

SEC. 2. Immediately after apportioning the tax as provided for in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto, under the hand of said assessor, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein, opposite their respective names in said roll, as a tax or assessment; and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his her, or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums when collected, to the treasurer of said village, by a certain day named therein, not more than forty days from the date of said warrant. Assessor to deliver roll to marshal with warrant annexed.

Authority to levy by distress and sale of property.

To pay sums to treasurer in certain time.

SEC. 3. The assessor may renew said warrant from time to time, by direction of the board of trustees. Renewal of warrant.

SEC. 4. Whenever any special tax shall be voted to be raised as provided for in article fourteen of this act, the apportionment of the same shall be based on the assessed value of the real and personal estate as set down in the annual assessment roll. Apportionment of special taxes.

SEC. 5. The assessor shall make out and deliver to the marshal of said village such assessment roll as aforesaid, with the warrant attached as aforesaid in this article, on or before the fourth Monday of May in each and every year. Time of delivering roll to marshal.

ARTICLE XVII.

OF THE COLLECTION OF TAXES.

SECTION 1. The marshal of said village shall, immediately after receiving the assessment roll with the warrant of the Collection of taxes.

assessor thereunto annexed, as provided for in section two of article sixteen of this act proceed to collect the taxes as apporportioned in said roll, and according to the provisions of said warrant.

Distress and sale.

SEC. 2. If any person or persons shall refuse or neglect to pay the sum or sums at which they shall be taxed or assessed as aforesaid, the marshal shall proceed to levy the same by distress and sale of the goods and chattels of the persons who are liable to pay the same, first giving public notice thereof as is required by law to be given by township treasurers; and in case the goods and chattels so distrained shall be sold for more than the amount of the tax or assessment, with the charges of distress and sale thereof, the surplus shall be paid on demand to the person or persons from whom such goods and chattels were distrained.

Collection in case of removal from village.

SEC. 3. In case any person upon whom any taxes may be assessed in said village for personal estate, shall have removed out of said village after the assessment, and before such taxes ought by law to be collected, it shall be lawful for the marshal to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county of Lenawee to which such person shall have removed or in which he shall reside.

May be collected by suit.

SEC. 4. Whenever any tax shall have been, or which may hereafter be assessed on personal property in said village, shall be returned by the marshal for non-payment under the provisions of this act, it shall be lawful for the marshal of said village to sue the person or persons against whom such taxes were assessed, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debt, to enforce the payment of such tax.

Unpaid taxes on real estate returned.

SEC. 5. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of taxes, or in the renewal of the time thereof by said assessor, as provided for in section three of article sixteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon, under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same be paid.

Taxes a lien.

Proceedings prior to sale.

SEC. 6. The treasurer of said village shall preserve in a book kept for that purpose a list of all lands returned to him for delinquent taxes by the marshal, as provided for in the preceding section, and if the same shall remain unpaid together with interest at the rate of ten *per centum* per annum, from the date of the warrant to the marshal, as aforesaid, for the term of one year from the date of the warrant to the marshal, as aforesaid, he shall cause so much of the land charged with such tax and assessment and interest, to be sold at public auction to

the highest bidder, as shall be necessary to pay the said tax, assessment, interest, and costs of sale thereof.

SEC. 7. Before any land shall be sold for delinquent taxes, as provided for in the preceding section, the treasurer shall give notice for at least six weeks, by publication in a newspaper published in said village, if any such shall be so published, and if not, then by posting up in at least three of the most public places in said village, and one on the land to be so sold, of the time and place of sale, with a description of the land then and there to be sold for delinquent taxes. Notice of sale of land for taxes.

SEC. 8. The treasurer, on the day mentioned in such notice, shall commence the sale of said lands, and continue the same from day to day until all are sold upon which there are taxes, assessments and interest due and unpaid; and in selling such lands he shall sell so much of each description as will pay the taxes, assessments, interest and costs of sale. Sale.

SEC. 9. In case less than the whole of any description shall be sold for the taxes, assessments, interest and charges thereon, the portion thereof sold shall be taken from the north side or end of the land so sold, unless such lots shall be laid out diagonally; then such portion shall be taken from such side as said treasurer shall select. When part only is sold, etc.

SEC. 10. At the sale aforesaid, the treasurer shall give the purchaser or purchasers of any such lands, a certificate in writing, describing the land purchased and the sum paid thereof, and the time when the purchaser or purchasers will be entitled to a deed of said lands; and unless, within one year from the date of such sale, there shall be paid to the treasurer, for the use of the purchaser or purchasers, his, her or their heirs or assigns, the sum mentioned in such certificate, together with the interest thereon, at the rate of ten *per centum* per annum from the date of such sale, the treasurer of said village shall, at the expiration of one year, execute to the purchaser or purchasers, his, her or their heirs or assigns, a conveyance of the lands sold, which said conveyance shall, in case all the proceedings previous to the sale of the land and execution of the deed have been regular and according to law, vest in the purchaser or purchasers, or to whomsoever it shall be given, an estate in fee simple, and the said conveyance shall be *prima facie* evidence of the regularity of all the proceedings connected therewith, from the valuation of the land by the assessor to the date of the deed inclusive, and of the title in the grantee therein named; and every such conveyance executed by the said treasurer, under his hand and seal, witnessed, acknowledged, and recorded in the usual form, may be given in evidence in the same manner as other deeds of conveyance. Certificate of sale.
Redemption.
Deed to holder of certificate.
Legal value of deed.

ARTICLE XVIII.

OF THE REGISTRATION OF ELECTORS OF SAID VILLAGE.

SECTION 1. The president, clerk, and one of the trustees Board of registration.

- Register of electors. having the shortest term to serve, to be designated by the president, shall constitute the village board of registration.
- SEC. 2. The clerk shall provide a suitable bound book or register, at the expense of said village, so made and arranged as to conform with the laws of the State, relating to the registration in the several townships thereof, to be kept by the clerk of said village.
- Registration. SEC. 3. The clerk of said village shall at any time, except as provided for in this act, on demand, enter in its alphabetical order, the name of any person entitled to vote in said village under the provisions of this act, with the date of such registration, and the residence of such person so demanding such registration.
- Meeting of board. SEC. 4. On the last Saturday next preceding the day for holding any regular or special election of said village, the said board of registration shall be in session at such place in said village as they shall designate, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village and who at the next approaching election may be qualified, and whose name is not already registered, to have his name entered on the register, which shall be done by the clerk of said village; and after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing, except as provided by the laws of this State.
- Completion of registration. guarding the purity of elections in the several towns thereof, and the clerk shall give ten days' notice of the meeting of said board of registration.

ARTICLE XIX.

OF ELECTIONS.

- Election board. SECTION 1. The president, clerk and one of the trustees, to be designated by the president, whose term of office will first expire, shall constitute the election board.
- Oaths of office. SEC. 2. The members of said election board shall, before entering upon the discharge of their official duty, take an oath or affirmation, to be administered one to the other, to faithfully and honorably discharge their duties as judges of election; and said election board shall constitute the board of inspectors of election, within the meaning of this act.
- Board to refuse votes of persons not registered. SEC. 3. At any election held under and by virtue of the provisions of this act, and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Morenci to be placed in the hands of the election board, to be used by them during such election, which register shall be returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein, except as provided for in section four, article nineteen, of this act.

SEC. 4. The registration of electors provided for in this act, shall be used only for elections for village purposes, and shall not be construed to interfere with the registration or the elections of the township of Seneca. Registration only for village.

SEC. 5. No person shall be a voter at any village election in said village, who does not reside within the limits of said village at the time of such election, and has not resided therein for ten days immediately preceding the same. Qualifications of voters.

SEC. 6. The board of registration and of election in said village shall exercise the same powers to preserve the purity of [elections] electors as are now, or may hereafter be given by law to boards of registration and election in the several townships in this State, except as modified by this act. Powers of board of registration.

ARTICLE XX.

OF PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

SECTION 1. Whenever the lands of any person or persons shall be required by the board of trustees for any of the purposes named in article six, section six of this act, within the limits of said village, the board of trustees shall give notice in writing thereof, by personal service, or by written notice posted in three of the most public places in said village, and one on the lands to be so used, to the owner or owners, or parties interested in said lands, his, her or their legal representatives, at least three weeks preceding the meeting of said board of trustees, of the intention of said board to take such land, describing the same, for the purposes aforesaid, and after publication or service of such notice, the said board of trustees are authorized to treat with the owners or parties interested in such land, his, her or their legal representatives; and if at the expiration of the time limited as aforesaid, for the publication or service of said notice, the parties cannot agree therefor, it shall and may be lawful for said board to direct any justice of the peace of the township of Seneca to issue a *venire facias*, to command the marshal of said village, or any constable of the county of Lenawee, to summon and return a jury of twelve disinterested freeholders, residing within the limits of said townships of Seneca or Medina, to appear before said justice, at a time and place therein stated, to inquire into the necessity of using such grounds or premises for the purposes of said village, and assess the just compensation to be paid therefor to the owner or owners, his, her or their legal representatives: Proceedings prior to using private property for streets, etc. *Provided*, That the provisions of law in civil cases in relation to striking off names, the summoning of talesmen and other provisions of law in relation to the appraisement of damages for the taking of private property for public uses, are hereby declared to be in full force and effect, so far as relates to the laying out, altering and discontinuing roads, highways, streets, alleys and other public improvements and applicable hereto; which jury, being first duly sworn by the said justice, faithfully When agreement cannot be had. May summon a jury. Proviso.

Tender of damages prior to taking property.

and impartially to inquire into the necessity of using such grounds or premises and the just compensation to be made therefor, and having viewed the premises, if requested so to do by either party, shall inquire of such necessity, and assess such damages and compensation as they shall judge right and proper to be awarded to the owner or owners of, or parties interested, his, her or their legal representatives therefor, for their respective damages, according to the several interests or estates therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor confirming the same; and such sum or sums so assessed, together with the costs, which shall be paid or legally tendered, before such land, grounds or premises shall be taken for the use of said village, to the person or persons, his, her or their legal representatives, in whose favor the judgment shall be rendered; it shall thereupon be lawful for said board of trustees to cause the said land, grounds or premises to be occupied and used for the purposes aforesaid.

Proviso relative to appeals.

SEC. 2. *Provided*, That the board of trustees, or any party or parties who may conceive themselves aggrieved by any judgment rendered by any justice of the peace, as provided in the last preceding section, may have the right to remove such proceedings by appeal to the circuit court of the county of Lenawee in the same manner that civil suits, before any justice of the peace, may be removed to the circuit court by appeal.

Application of this article.

SEC. 3. The provisions of this article shall also apply to meet the requirements and carry out the provisions of paragraph forty-six, of section three, of article six of this act.

ARTICLE XXI.

OF PUBLICATION.

Publication under this act how construed.

SECTION 1. Whenever publication shall be required by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in a newspaper of said village, or by posting up in at least three of the most public places in said village optional with said board.

Proof of publication.

SEC. 2. An affidavit of the publisher of the newspaper when publication is made in such paper, or of the clerk of said village, when publication is made by posting up, as provided for in this act, of publishing or posting of notice of any tax sale, or passage of any by-law, rule, regulations or ordinance of said village, of notice of elections, or of any other notice required to be published by virtue of the provisions of this act, or any rule, by-law, regulation or ordinance of said village shall be *prima facie* evidence of such publication.

ARTICLE XXII.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

SECTION 1. The board of trustees shall, at the expiration of

each year, cause to be made out and published a true statement in writing of the finances of said village, exhibiting in detail all items of receipts and expenditures of the year, signed by the president and clerk of said village.

Trustees to make annual statement of receipts and expenditures.

ARTICLE XXIII.

OF DEPUTIES.

SECTION 1. The board of trustees shall have power to appoint one or more deputy marshals, who shall be under the same restraints and exercise the same powers, and be bound by the same responsibilities as the marshal elected under this act.

Deputy marshals.

ARTICLE XXIV.

OF MONEYS COLLECTED BY THE MARSHAL.

SECTION 1. The marshal shall pay all moneys collected by him, by virtue of his office, except as herein otherwise provided for, within five days after receiving the same, to the treasurer of said village.

Moneys, when to be paid over.

SEC. 2. The treasurer of said village shall give a receipt in writing signed by him as such treasurer to the marshal, or other person paying money to him on accounts of said village, acknowledging the receipt of the same.

Treasurer to receipt for.

ARTICLE XXV.

OF HIGHWAYS.

SECTION 1. The said village of Morenci shall be exempt from the superintendence and control of the commissioners of highways of the township of Seneca, excepting so much as relates to bridges and culverts as hereinbefore provided.

Village exempt from control of township commissioners.

SEC. 2. All moneys collected for highway purposes shall be kept a fund separate and apart from the contingent and all other funds, and no money shall be appropriated or paid from said sum except for highway purpose and for cross-walks and sidewalks: *Provided*, That in case there should at any time be money in said fund in excess of what is required for the purposes aforesaid, the said board may in its discretion appropriate and use such surplus for any other lawful purpose in said village.

Highway money a separate fund.

Proviso.

SEC. 3. In case there shall be at any time, in the hands of the treasurer of said village any surplus moneys belonging to the contingent fund, after meeting all the contingent expenses of said village for the year, when such surplus was created, the said board of trustees are empowered and authorized to appropriate and apply such moneys for highway purposes, for cross-walks and sidewalks or for beautifying or ornamenting any of the parks, squares or public grounds belonging to said village.

Surplus money.

ARTICLE XXVI.

OF THE POWER TO BORROW MONEY.

Power to borrow
money limited.

SECTION 1. The board of trustees of said village shall have power to borrow money for public improvements, on the credit of said village, not exceeding the sum of one thousand dollars in any one year.

ARTICLE XXVII.

OF THE COUNTY JAIL.

Village may use
county jail.

SECTION 1. The corporation of the village of Morenci shall be allowed the use of the common jail of the county of Lenawee for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-law, rule, regulation or ordinance passed by virtue thereof; and all persons so committed to said jail shall be under the charge of the sheriff as in other cases.

ARTICLE XXVIII.

OF THE COMPETENCY OF CITIZENS.

Competency of
citizens as wit-
nesses and
jurors.

SECTION 1. No person shall be an incompetent judge, witness or juror, in any case in which said corporation is interested by reason of his being an inhabitant or a taxpayer of said village.

ARTICLE XXIX.

OF THE USE OF FINES AND PENALTIES.

Fines and
penalties.

SECTION 1. It shall be lawful for the board of trustees of said village to direct by by-law or ordinance how, and for what purpose or purposes, and in what manner any moneys received, collected or paid into the treasury for licenses and all money collected by or paid into any court as a penalty or forfeiture, or punishment for or by reason of a violation of any rule, regulation, by-law or ordinance passed by virtue of the provisions of this act, may be used or appropriated: *Provided*, The same is not otherwise appropriated by the law of this State.

Proviso.

ARTICLE XXX.

OF MONEY FOR CEMETERIES.

May borrow
money for pur-
chase of cem-
etery, etc.

SECTION 1. The board of trustees of said village shall have power to borrow money on the credit of said village not exceeding the sum of five thousand dollars, in anticipation of the receipts from the general village taxes, and particularly in anticipation of the receipts from the sale of cemetery lots, as

hereinafter in this section provided for the purpose of purchasing land for a village cemetery; and may issue the bonds of the village therefor, payable at such times in such sums, of which, not exceeding five hundred dollars shall become due in any one year, and with such rate of interest, not exceeding ten *per centum* per annum, as said board of trustees shall direct, which bonds shall be signed by the president and countersigned by the clerk of said village, and sealed with the seal of said corporation. The money so borrowed shall be a separate and distinct fund, to be known as the "cemetery fund," and the said board are hereby authorized and empowered to locate either within or without the limits of said village and to purchase with said fund, for the purpose of a cemetery, a tract of land not exceeding forty acres, which shall be conveyed to said board of trustees; and the board of trustees are hereby authorized and empowered to have the management, control and supervision of any such grounds so purchased by them, and shall cause the same to be properly surveyed and laid out, and shall cause two maps thereof to be made, which maps shall accurately describe the ground purchased, with the lots or subdivisions named or numbered therein, and also their size, situation and extent, with the width, extent and location of all the streets, alleys or walks in such grounds, which maps shall be certified by said board of trustees to be a correct map of the cemetery grounds of said village. One of said maps shall be filed in the office of the clerk of said village, and one in the office of the register of deeds of the county of Lenawee. The said board may contract, sell and convey the lots in such grounds and the proceeds thereof shall be appropriated to the following purposes, in the order hereinafter mentioned:

First, To defray the expenses of surveys and maps;

Second, For fencing around said grounds and for making such other improvements as said board may deem necessary and important to be done, without any further delay;

Third, To pay for said grounds, or to redeem, pay and cancel any bonds of the village that may have been issued in payment for said grounds;

Fourth, To improve, ornament and beautify said grounds, and the appurtenances thereto belonging, and for such other purposes relating to said cemetery as said board may deem best.

SEC. 2. All moneys received for lots sold, or in any way accruing to the credit of said fund, shall be immediately paid by the persons receiving the same, to the treasurer of said village; and it shall be the duty of said treasurer to keep, in a proper book, a separate and distinct account with said cemetery fund, charging thereto all moneys which said board may advance and appropriate to the use of said cemetery grounds, out of the contingent fund of the village, and crediting thereto all moneys received by him belonging to said fund; the said board may set off a part or portion of said ground at any time or times as a "potters' field" and under proper regulations permit the dead

May issue bonds.

Cemetery fund.

Survey, maps, etc., of.

Proceeds of sale of lots, how appropriated.

Expense of surveys, maps, etc.

Fencing, etc.

Cancel bonds, etc.

Improve, etc., grounds.

Moneys to be paid to treasurer.

Treasurer to keep separate account.

Sexton.

to be buried therein. The said board of trustees may also appoint a sexton to take charge of and watch over said grounds, or any other cemetery grounds in said village, who by virtue of such appointment, shall have the power of a policeman, and may arrest without process, any person violating any ordinance or by-law of said village relating to said grounds, the property, appurtenances thereto belonging; and the board of trustees are hereby authorized and empowered to enact all such rules, regulations, ordinances and by-laws as they may deem necessary for the protection and preservation of the monuments, tombstones, trees, shrubbery, property, ornaments and improvements therein, and the grounds thereof, and the fences in and around the same, and for the ordinary conduct and government thereof.

Trustees to make rules, etc.

Powers of trustees in regard to cemetery, etc.

SEC. 3. The board of trustees of said village are hereby authorized and empowered to have the control, supervision and management of the burial grounds and cemetery now being within the limits of said village whether purchased or taken by them or not, and to make, and pass, and enforce the same, all needful rules, regulations, by-laws, and ordinances in relation to the same as is provided for in this article, so far as the same may be appropriate thereto, for the government, control and management of lands purchased and procured for the purpose of cemeteries.

ARTICLE XXXI.

OF THE LIABILITY OF OWNERS OF LOTS.

Owners of lots liable for damages from defective sidewalks, etc.

SECTION 1. When any person who has been notified and required by the board of trustees of said village to repair any sidewalk along or in front of any lot or premises owned or occupied by him in said village as provided in section five of article six of this act shall not so repair the same, he shall be liable to any person or persons for all damages such person or persons may thereafter suffer either in person or property, by reason of such sidewalk being out of repair; and shall also be liable to the said village of Morenci for any and all damages and costs which said village shall be compelled to pay, or which it may legally pay, to any such person or persons suffering such damage.

ARTICLE XXXII.

OF SUITS AT LAW.

Fines, etc., may be sued for.

SECTION 1. When a fine or forfeiture shall be imposed by any court of competent jurisdiction upon any person for the violation of any rule, by-law, regulation or ordinance of said village it shall be lawful for said village to sue such person in an action of assumpsit before any court having jurisdiction, for the recovery of such fine or forfeiture.

ARTICLE XXXIII.

OF FORMER VILLAGE ACTS.

SECTION 1. The existing by-laws, rules, regulations and ordinances of said village, when not inconsistent with this act shall be, remain and continue in force and effect until the same shall be repealed or amended by the board of trustees under the provisions of this act. Existing ordinance continued in force.

SEC. 2. All former acts, or parts of acts relating to the village of Morenci inconsistent herewith are hereby repealed; but such repeal shall not affect any act, claim or right secured or established, or any suit, proceeding or prosecution had or commenced prior to the time when such repeal shall take effect, but every such act, claim, right or proceeding shall remain as valid and effectual as if said act had remained in force. Acts repealed.

ARTICLE XXXIV.

OF THE CONSTRUCTION OF THIS ACT.

SECTION 1. This act is hereby declared a public act, and the same shall be favorably construed in all courts, and copies thereof printed under authority of the Legislature, or certified to by the president of said village as printed by the authority of the board of trustees, shall be received without further proof. Public act.

Approved April 21, 1891.

[No. 296.]

AN ACT to amend article two of section twelve, of act number three hundred and sixty-eight, of the session laws of one thousand eight hundred and sixty-nine, entitled "An act to amend an act entitled an act to amend an act entitled 'An act to incorporate the village of Tecumseh,'" being act number eighty-four, of the session laws of the year eighteen hundred and fifty-nine, approved February ninth, eighteen hundred and fifty-nine.

SECTION 1. *The People of the State of Michigan enact,* Article amended.
That article two of section twelve of act number three hundred and sixty-eight, of the session laws of one thousand eight hundred and sixty-nine, entitled "An act to amend an act entitled an act to amend an act entitled 'An act to incorporate the village of Tecumseh,'" being act number eighty-four, of the session laws of the year eighteen hundred and fifty-nine, approved February ninth, eighteen hundred and fifty-nine, be and the same is hereby amended so as to read as follows:

ARTICLE II.

Appointment of
marshal and
street commis-
sioner and others
by the common
council.

Finances.
Buildings.

By-laws, ordi-
nances, etc.

Public peace.

Restrain gaming
and houses of
ill-fame.

Liquors, sale of
goods.

Auctioneers.

Entertainments,
etc.

Nuisances.

Slaughter-houses,
gunpowder, etc.

Fire-works, fire-
arms, etc.

SEC. 12. The common council, in addition to the power and duties specially conferred upon them in this act, shall have the power, and it shall be their duty to appoint a village marshal and a street commissioner, and such other officers as may seem to be necessary and proper, and remove or supersede the same for any cause deemed by them to be valid and sufficient therefor, and shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the village, and may dispose of the same when directed by the vote of a majority of the electors of said village, and make such rules and by-laws relating to the same as they may deem proper and necessary; and further, they shall have power within said village to enact, continue, establish, annul, amend and repeal such ordinances, by-laws, rules and regulations as they may deem desirable for the following purposes:

First, To prevent vice and immorality; to preserve public peace and good order; to organize, maintain and regulate a police of the village, when necessary, and to define the powers and duties of such police, or of any police officers; to prevent, and quell riots, disturbances, and disorderly assemblies;

Second, To prevent and restrain disorderly and gaming houses, and houses of ill-fame; to prevent the exhibition or use of any and all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and restrain and prohibit all billiard tables kept or used for gaming purposes;

Third, To forbid and prevent the vending, giving away or other disposition of liquors and intoxicating drinks to any drunkard, minor, or other person in the habit of getting intoxicated; and to prohibit, restrain or regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers;

Fourth, To prohibit, restrain, license or regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances or exhibitions for money;

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, to cleanse, purify, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said village;

Sixth, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible material or substances;

Seventh, Concerning the buying, carrying, selling and using of gunpowder or other combustible materials, and the exhibition of fire-works; the use of lights in barns, stables and

other buildings; and to regulate or prohibit the discharge of fire-arms within the limits of the village, or the making of bonfires in streets or yards;

Eighth, To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges or other public places in any manner whatever; Incumbering streets, etc.

Ninth, To prevent and punish horse-racing and immoderate driving or riding in any street or alley, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or alley in said village; Horse-racing.

Tenth, To determine the routes and grades of any railroad to be laid in said village, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the village; Railways.

Eleventh, To preserve the salubrity of the waters of the river Raisin, Evans creek, or other streams within the limits of said village; to prohibit or regulate bathing therein, and to provide for cleansing the same of driftwood or other obstructions; to fill up all low grounds or lots covered or partly covered with water, within the limits of said village, or drain the same, as they may deem expedient; Salubrity of waters, etc.

Twelfth, To restrain and punish drunkards, vagrants, street beggars, and all disorderly persons, or keepers of gaming or disorderly houses, or other houses in which drunkards or boisterous persons are allowed to congregate and disturb the peace, or in which any crime or misdemeanor shall be committed by the knowledge or consent of the occupant of such house; Disorderly persons.

Thirteenth, To establish, maintain, and regulate one or more pounds in said village, and to prohibit, restrain or regulate the running at large of horses, cattle, sheep, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping, impounding and other expenses; to punish the breaking of any pound, or any unlawful interference therewith, and to make all such by-laws, ordinances, rules and regulations in relation to such pound or pounds, and the advertising and selling of the animals, geese or poultry therein impounded, as they may deem necessary or advisable for the purpose of perfecting the title of any property sold in conformity with any ordinance or by-law, and of preserving the evidence, and declaring the legal effect of any and all evidence of any such sale or sales; and no court other than the circuit court for the county of Lenawee, or the courts held in said village, shall have jurisdiction of any action of replevin, or other action against any pound master of said village, for or on account of any animal or animals, geese or poultry impounded, or for or on account of any act done by any such pound master in pursuance of any power or duty conferred by any by-law or ordinance passed by the common council of said village; Pounds. Sale of animals. Courts.

Fourteenth, To prevent or regulate the running at large of Dogs. Dogs.

- dogs, to impose taxes on the owners of dogs, and to prevent dog fights in the streets;
- Dead animals, etc. *Fifteenth*, To prohibit any person from bringing or depositing within the limits of said village any dead carcass or other unwholesome or offensive substances, and to require the removal or destruction thereof, if any person shall have on his or her premises such substances or any putrid meats, fish, hides or skins of any kind, and on his or her default, to authorize the removal or destruction thereof by some officer of the village;
- Sidewalks. *Sixteenth*, To compel all persons in such part or parts of the village as the common council may deem proper, to keep sidewalks in front of premises owned or occupied by them, clear from snow, ice, dirt, wood, or obstructions, but the village shall never be liable for any damage sustained by any person in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice, dirt, wood or other obstructions;
- Bells. *Seventeenth*, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;
- Duties of officers. *Eighteenth*, To prescribe the powers and duties of all the officers of said village, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies;
- Cemetery. *Nineteenth*, To purchase, hold and maintain suitable grounds for a cemetery; survey and divide the same in such form and manner as they may deem proper; fix and determine the price of burial lots; sell and convey the same; ornament, fence and improve such cemetery, or any burial ground now in said village, and enlarge the same; regulate the burial of the dead; preserve tombstones and monuments, and exercise a general control over all burial places in said village; and said common council may contract with any person for the preservation and keeping in order and repair by said council of any lot or lots in said cemetery and the monuments and improvements thereon for such sum of money as shall be agreed upon by the parties to such contract; and said common council may at its option, accept any legacy to said council for cemetery purposes by any will upon the terms of such will;
- Street lamps. *Twentieth*, To provide for the lighting of the streets and alleys, and the protection of the public lamps;
- Markets. *Twenty-first*, To establish, order, and regulate the markets; to regulate the vending of wood, hay, meat, vegetables, fruits, fish, provisions, and farm produce of all kinds, and to prescribe the time and place of selling the same, and the fees to be paid by butchers and non-resident buyers of produce, for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables, or other articles of food or provisions, impure, spurious, or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided*, That nothing herein contained shall authorize the common council to restrict
- Proviso.

in any way, the sale of fresh and wholesome meats, by the quarter, within the limits of the village;

Twenty-second, To establish, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water; Wells, etc.

Twenty-third, To regulate and establish the line and grade upon which buildings may be erected upon any street, lane or alley in said village, and to compel such building to be erected upon such line or grade by a fine upon the owner thereof not exceeding five hundred dollars for each offense; Line and grade of buildings.

Twenty-fourth, To establish fire districts, within which no wooden building, except such as shall be authorized by the common council, shall be moved, built, repaired, enlarged, placed, or allowed to stand or remain; Fire limits.

Twenty-fifth, To regulate and restrain hawking and peddling in the streets, and to regulate and license pawnbrokers, and to license, regulate or restrain the sale by auction, public outcry, or otherwise, of goods, wares, and merchandise, by persons or agents of persons not residents of the village, within said village; Sale of goods.

Twenty-sixth, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the village for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law; Officers, duties, bonds and penalties.

Twenty-seventh, To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said village, and to regulate the sale thereof; and for the purpose of carrying into effect the powers conferred by this section, the common council shall have power to prescribe in any by-law or ordinance made by them, that the person offending against the same shall forfeit and pay such fine as they shall deem proper, not exceeding one hundred dollars, or be imprisoned in the county jail for a term not exceeding three months, or by both such fine and imprisonment, in the discretion of the recorder or justice who shall try the offender; Stands for carriages, wood, hay, etc. Penalty.

Twenty-eighth, To regulate and require the setting of shade trees in the streets of said village, and to provide for the preservation of the same; and any person owning real estate in said village, in front of which there is not a sufficient number of shade trees growing may expend twenty-five per cent of his or her highway labor, or highway tax, in each and every year, in setting out shade trees along the margin of the streets or highways in front of such lands, at such distance from the margin of the street or highway as the common council may determine, or as the street commissioner may prescribe: *Provided,* That until the common council or street commissioner shall determine the distance such trees shall be set from the margin of the streets or highways, the same may be set not less than six nor more than ten feet from the margin of the street or highway; Shade trees. Provision.

Weights and
measures.

Twenty-ninth, To prescribe the duties of sealer of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said village, except as herein otherwise provided;

By-laws and
ordinances.

Thirtieth, The common council shall have full power to make all such by-laws and ordinances, rules and regulations as they may deem proper for fully and effectually enforcing any and all powers conferred upon them by this act.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 297.]

AN ACT to authorize the village of Vassar, county of Tuscola, to purchase, construct, and maintain an electrical light plant or system for lighting purposes and the production of electricity for public and private uses; and to issue bonds not to exceed ten thousand dollars to expend in purchasing, erecting and maintaining the same.

Authority to es-
tablish, etc.,
electric light
plant.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Vassar, is hereby authorized to establish, purchase, construct, maintain, control, supervise, regulate, and keep in repair an electrical light plant for lighting purposes and the production of electricity for public and private uses; and are hereby invested with full and complete power and authority to enact, make, adopt and enforce any and all such ordinances, by-laws, rules and regulations as they may deem necessary, requisite or expedient for carrying into effect the powers and authority hereby conferred.

Authority to
purchase
grounds, etc.

SEC. 2. Said common council may also acquire, purchase, appropriate, and own such grounds, real estate, rights and privileges as may be deemed necessary and proper for the construction and maintenance of such system or plant; and erect and maintain any and all buildings deemed necessary therefor.

Electric light
commissioners.

SEC. 3. Said common council may provide, by the passage of proper ordinances, for the appointment of a commission, or board, consisting of three members, to be known as the "board of electric light commissioners," the term of at least one of the members of such board expiring yearly, to take charge and management of such system or plant, in the manner provided in such ordinances.

Scale of rents,
rates, etc.

SEC. 4. The common council or the board of electric light commissioners, if authority be given them by ordinance for that purpose, shall establish a scale of rents and rates to be charged and paid for the supplying of electricity, to be called "electric light rents," and appropriate to the different classes of buildings and businesses in the village, with reference to the amount, use or time such electricity or light is to be used; and further either modify, amend, increase, or diminish such

rents or rates; and the common council may prescribe by ordinance when and to whom such rates or rents are to be paid, and may provide in case of non-payment that the supply of electricity may be shut off or stopped as to any person or persons neglecting or refusing to make such payment.

SEC. 5. The common council may enact such ordinances as may be necessary for the care, protection, preservation, and control of the said plant or system and all the fixtures appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this act and the powers herein conferred in respect to management and control of such plant or system. Necessary ordinances.

SEC. 6. The said common council is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue bonds therefor to an amount not to exceed ten thousand dollars to be expended in purchasing, erecting and maintaining such plant or system: *Provided*, That a majority of the qualified electors of said village, voting at an election to be called in conformity with the requirements of act number sixty-two, of the session laws of eighteen hundred and seventy-five, and acts amendatory thereof, shall vote in favor of such loan, in the manner specified in said act, and not otherwise. May borrow money. Proviso.

SEC. 7. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the sum hereinbefore limited, and payable at such times, with such rate of interest, not exceeding six per cent per annum, as the common council shall direct, and shall be signed by the president and countersigned by the clerk, and sealed with the seal of said village, and negotiated by or under the direction of said common council; but not for a less sum than the face value thereof and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due. Bonds.

This act is ordered to take immediate effect.

Approved April 21, 1891.

[No. 298.]

AN ACT to amend section four of act number four hundred fifty-seven of the local acts of eighteen hundred eighty-nine, entitled, "An act to incorporate school district number three in the township of Croton, county of Newaygo."

SECTION 1. *The People of the State of Michigan enact*, That section four of act number four hundred fifty-seven of the local acts of eighteen hundred eighty-nine, entitled Section amended.

"An act to incorporate school district number three in the township of Croton, county of Newaygo," be, and the same is hereby amended so as to read as follows:

Section as
amended.

SEC. 4. Nothing herein contained shall be construed as placing the boundary lines of the district herein named outside the jurisdiction of the local officers for a longer period than ten years. At the expiration of said period all matters affected by the passage of this act shall return and be within the jurisdiction of the regular local officers, and be subject to a charge by them the same as though the provisions of this act had resulted from their own action.

Approved April 23, 1891.

[No. 299.]

AN ACT to incorporate the public schools of the village of Bancroft.

Territory
embraced.

SECTION 1. *The People of the State of Michigan enact,* That the territory now embraced within the district now known as "school district number three of the townships of Shiawassee and Antrim" in the county of Shiawassee, and such adjoining territory as may be hereafter annexed for school purposes, shall constitute one school district, which shall be a body corporate and shall be known and designated by the name and style of "the public schools of the village of Bancroft;" and such district shall have all the powers and privileges conferred upon [graded] grade school districts by the general laws of this State, all the general provisions of which, relating to common or primary schools, shall apply and be in force in said district, except such as shall be inconsistent with the provisions hereinafter enacted, and all schools organized in said district shall be open and free to all children, actually residents within the limits of said district, between the ages of five and twenty years, and under such regulations as the trustees thereof may adopt, and to such other persons, as such trustees may admit.

Name,
Powers and
privileges.

Trustees.

SEC. 2. The officers of said district shall consist of the number of trustees which are or may be provided by the laws of this State with respect to graded school districts, and the term of office of such trustees, and the time and manner of their election, shall be such as are provided by said general law. Such trustees shall annually elect from their own number a moderator and director and an assessor, whose term of office shall continue for the period of time, and whose powers and duties shall be severally the same, as those conferred upon and required of such officers of graded school districts in this State, except so far as the same are varied or modified by the provisions of this act, or other acts relating to said district. The present trustees of said "school district number three of Shiawassee and Antrim," and the present moderator, director and

Present trustees
to continue.

assessor of said district are hereby constituted the trustees and officers of the public schools of the village of Bancroft, and said trustees and officers shall continue to hold their offices for the term for which they were elected by the district.

SEC. 3. From and after the passage of this act, said board of trustees shall have all the powers and privileges conferred upon district and graded school boards by general law, and shall have power to adopt courses of study and text-books, to make such rules and by-laws as they may deem necessary for government of the schools thereof, and in reference to all other matters connected therewith.

Power and
privileges of
board of trustees.

SEC. 4. Said board shall present at each meeting of the district a statement of all receipts, expenditures and accounts audited by them, together with the amount of expenses necessary to be incurred during the ensuing year for such purposes, and to pay the debts of the district and the services of teachers. And such amount, when voted at such annual meeting, shall be spread upon the tax rolls of the townships of Shiawassee and Antrim, and shall be assessed and collected in the same manner and by the like officers as general taxes, and all proceedings in and about the assessing and spreading of said taxes and the collection and return thereof, including proceedings to enforce the payment of such taxes, shall be the same as are or may be provided by law for the collection of general taxes; and in case of non-payment of such taxes, said townships of Shiawassee and Antrim may sue for and collect the same in like manner as is or may be provided by general law for the collection of general taxes, and in case such taxes on real estate are uncollected, such real estate may be returned in the same manner and the like proceedings had thereon and with the like effect, as are or may be provided by law for the return and sale of land for delinquent taxes generally.

Statement of
receipts and ex-
penditures, etc.,
to be voted at
annual meeting.

May sue for non-
payment.

SEC. 5. The board of trustees shall require the director to keep a record of its proceedings and of the rules and by-laws it may from time to time enact, and to do and transact all other business that shall be required of him by said board.

Director to keep
record.

SEC. 6. Said school district hereby organized shall succeed to and be entitled to demand and receive all moneys and other rights of whatsoever nature belonging to the present "school district number three of the townships of Shiawassee and Antrim;" and all real and personal property situated in said district and belonging thereto shall, by force of this act, become the property of said public schools of the village of Bancroft, hereby organized, and all [the] debts and liabilities of said "school district number three of Shiawassee and Antrim" shall become the debts and liabilities of the public schools of the village of Bancroft, hereby organized.

Succeed district
No. 3.

SEC. 7. Said board of trustees shall have power, as provided by law, to establish a high school and prescribe the course of study for the same, and to grant such certificates of scholarship and in such form as said board shall deem proper to pupils completing satisfactorily said course of study.

High school

District library.

SEC. 8. Said board of trustees shall establish and maintain a district library, and all fines imposed and collected upon complaints entered and prosecuted within the corporate limits of said district, as provided for township libraries, by the general statutes of this State, and by the constitution thereof, shall, after the passage of this act, belong to the library fund of the public schools of the village of Bancroft, and shall be drawn from the treasury of Shiawassee county, by the assessor of said district and expended under the direction of said trustees for books for said district library.

This act is ordered to take immediate effect.

Approved April 24, 1891.

[No. 300.]

AN ACT to legalize the action of the electors of the county of Bay in voting to raise the sum of thirty thousand dollars by loan for the purpose of building a bridge across the Saginaw river, and the action of the board of supervisors of said Bay county in submitting said question to the electors of said county.

Action of electors legalized.

SECTION 1. *The People of the State of Michigan enact,* That the action of the electors of said county of Bay in determining by ballot at the spring election held in said county on the seventh day of April, one thousand eight hundred and ninety, to raise the sum of thirty thousand dollars by loan for the purpose of building a bridge across the Saginaw river from the foot of Belinda street in Bay City to a point on the west bank of said Saginaw river opposite the foot of said Belinda street, be and the same is hereby legalized, and that the action of the board of supervisors in submitting the question to the electors of said county of raising said sum of thirty thousand dollars by loan be and the same is hereby legalized, and the action of said electors and said board of supervisors are hereby declared to be legal and valid, and any loan obtained by said county of the said thirty thousand dollars is hereby declared to be legal.

Authority to issue bonds.

SEC. 2. The board of supervisors of said county of Bay are hereby authorized at any time after this act shall take effect to direct the proper officers of said county to execute the bonds of said county in the sum of thirty thousand dollars, in pursuance of said election and as provided in the said resolution submitting said matters to the electors of said county, and to obtain the loan of said thirty thousand dollars upon said bonds, and the said bonds when issued and negotiated are hereby declared to be legal and valid bonds of said county of Bay.

This act is ordered to take immediate effect.

Approved April 28, 1891.

[No. 301.]

AN ACT to incorporate the public schools of the township of Wheatfield, Montmorency county.

SECTION 1. *The People of the State of Michigan enact,* Single school district.
That the territory embraced in the township of Wheatfield, in the county of Montmorency, be and the same is hereby declared to be a single school district, which shall be a body corporate by the name and style of "the public schools of the township of Wheatfield," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts by the general laws of this State. And all schools in said district and all schools hereafter organized therein in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years inclusive. Name.
All schools to be free.

SEC. 2. The officers of said district shall consist of the supervisor of the township, who shall not at the same time hold the office of trustee, and four trustees, who shall constitute the board of education of said district; the terms of office of said trustees shall be four years each and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Wheatfield, upon the same ticket and canvassed in the same manner as township officers are required by law to be elected by ballot: District officers.
Provided, That a special election shall be held in said township within sixty days after this act shall take effect, to be held at the same place where the last preceding township election was held, and conducted and canvassed by the same officers and in the same manner as elections for township officers; notice of the time and place of such election shall be given by the township clerk by printed or written notices posted up in five public places in said township at least ten days before the holding of such election. At such special election there shall be elected four trustees of said district by the electors thereof, one of whom shall hold his office until the third Monday of April in the year eighteen hundred and ninety-two, one for the term of one year, one for the term of two years, and one for the term of three years from the third Monday of April succeeding the first annual meeting provided for by this act, and until their successors are elected and qualified, and their terms of office shall be determined by lot, as provided for justices of the peace in new townships in chapter nineteen of Howell's Annotated Statutes of Michigan; said trustees to be designated on the tickets or ballots: "For members of the board of education." Proviso as to special elections.

SEC. 3. Within five days after such special or annual election the township clerk shall notify in writing the persons elected Clerk to notify trustees elect.

trustees under this act of their election, and within five days thereafter said trustees so elected, shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of proceedings to be kept by said board of education: *Provided*, That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time on or before the third Monday of April succeeding the annual township election at which they are elected, take and subscribe the oath of office and file the same as hereinbefore prescribed; and the term of office of the trustees of said district other than those elected at such special election shall commence on the third Monday of April following the annual township election at which they are elected.

Proviso.

Clerk of board.

SEC. 4. The township clerk of the township of Wheatfield shall be *ex officio* clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk, the board may by resolution choose some suitable person to perform such duties.

Election of treasurer, etc.

SEC. 5. The said trustees and the supervisor, who shall be *ex officio* president of said board of education shall meet within sixty days after such special election, and on the third Monday of April in each year at the township clerk's office and elect from their own number, a treasurer, who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified; and may at any time fill by new election any vacancy that may occur in the office of trustee until the next annual election, and each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office, as prescribed in section three of this act.

Quorum.

Regular meeting.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, December and March in each year, and no notice of such meetings shall be required, and the president and clerk, or any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum be present, and special meetings of said board may be called at any time on the request of the president, or two members of said board in writing delivered to the clerk, and the clerk on receipt of such request shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office unless otherwise directed by resolution of said board. All the records and papers of said district shall be kept in the custody of said clerk, and shall be open to inspection of any legal voter of said district.

Special meetings.

SEC. 7. All the school property, real and personal, within the limits of the township of Wheatfield heretofore belonging to the different primary school districts in the township of Wheatfield shall by force of this act become the property of said public schools of the township of Wheatfield hereby organized; and all the credits of the several primary school districts at the passage of this act shall belong to the said public schools of the township of Wheatfield hereby organized and all the indebtedness of said several primary school districts at the time of the passage of this act shall be assumed and paid by the public schools of the township of Wheatfield hereby organized.

All school property to be property of.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, by a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law so that the said district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful rules, regulations and by-laws relating to visitation of schools, relating to regulations of schools, and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to textbooks, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treasurer or other officers holding the same, all moneys apportioned for primary schools and the district library of said district and may adopt such by-laws and rules for their own procedure as they may deem necessary.

Power and authority of board.

Proviso.

SEC. 9. The board of education, at their regular meeting on the third Monday of August in each year, shall make an estimate of, and determine the amounts of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board, which estimates shall specify the amounts required for different objects of expenditures, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Wheatfield, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and erecting school-houses no greater sum than five mills on the dollar of all taxable valuation of the real and personal property of said district shall be levied in any one year, not more than five years from and after the passage of

Annual estimates.

Proviso.

this act, and no greater sum than three mills on the dollar the years thereafter.

Treasurer to keep and pay out moneys.

SEC. 10. The treasurer of the board shall have the keeping of the school and library moneys and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

Annual statement.

SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed during the preceding year, and the expenditures of said board for all purposes, and all the resources and liabilities of said district which report or statement shall be entered at length in the records of said board and shall be publicly read by the president of said board, or in his absence, by the clerk thereof, to the electors of said township of Wheatfield at their annual township meeting on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon.

Treasurer to report.

SEC. 12. The treasurer of the township of Wheatfield shall at any time at the request of the board of education, report to the clerk the amount of school money in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which shall be filed with the clerk of said board.

SEC. 13. All taxes assessed within said township of Wheatfield for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Compensation.

SEC. 14. The compensation of the members, president and clerk of said board shall be one dollar and fifty cents for each day's actual service rendered for such district to be audited by the said board of education at its regular meetings.

In case of division.

SEC. 15. When any township district shall be divided into two or more townships the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township

divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township: *Provided*, That whenever any surveyed township in the present organized township of Wheatfield, is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State relative to public instruction and primary schools. Proviso.

This act is ordered to take immediate effect.

Approved April 28, 1891.

[No. 302.]

AN ACT to incorporate the public schools of the township of Rust, in the county of Montmorency.

SECTION 1. *The People of the State of Michigan enact*, Single district
That the territory embraced in the township of Rust, in the county of Montmorency, be and the same is hereby declared to be a single school district, which shall be a body corporate by the name and style of the public schools of the township of Rust, and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of this State relating to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon school districts and union school districts by the general laws of this State. And all schools in said district, and all schools hereafter organized therein in pursuance of this act, under the directions and regulations of the board of education, shall be public and free to all persons actual residents within the limits thereof, between the age of five years and twenty years inclusive. Name.
Subject to general law.
Schools to be public and free.

SEC. 2. The officers of said district shall consist of the supervisor of the township, who shall not at the same time hold the office of trustee, and four trustees, who shall constitute the board of education of said district; the terms of office of said trustees shall be four years each and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Rust, upon the same ticket and canvassed in the same manner as township officers are required by law to be elected by ballot: *Provided*, That a special election shall be held in said town- District officers.
When elected.
Pr. viso as to special election.

Notice of
election.

Election and
term of trustees.

Clerk to notify
persons elected.

Proviso.

Clerk of board of
education.

Treasurer.

ship within sixty days after this act shall take effect, to be held at the place where the last preceding township election was held, and conducted by the same officers and in the same manner as elections for township officers; notice of the time and place of such election shall be given by the township clerk by printed or written notice posted up in five public places in said township at least ten days before the holding of such election. At such special election there shall be elected four trustees of said district by the electors thereof, one of whom shall hold his office until the third Monday of April in the year eighteen hundred and ninety-two, one for the term of one year, one for the term of two years, and one for the term of three years from the third Monday of April succeeding the first annual meeting provided for by this act, and until their successors are elected and qualified, and their terms of office shall be determined by lot, as provided for justices of the peace in new townships in chapter nineteen of Howell's Annotated Statutes of Michigan, said trustees to be designated on the tickets or ballots: "For members of the board of education."

SEC. 3. Within five days after such special or annual election, the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of proceedings to be kept by said board of education: *Provided*, That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time, on or before the third Monday of April succeeding the annual township election at which they are elected, take and subscribe the oath of office and file the same as hereinbefore prescribed; and the term of office of the trustees of said district, other than those elected at such special election, shall commence on the third Monday of April following the annual township election at which they are elected.

SEC. 4. The township clerk of said township of Rust shall be *ex officio* clerk of said board of education, and shall perform such duties as the board may require, but shall not be entitled to vote therein, and in case of the absence of said clerk, the board may, by resolution, choose some suitable person to perform such duties.

SEC. 5. The said trustees and the supervisor, who shall be *ex officio* president of said board of education, shall meet within sixty days after such special election, and on the third Monday of April in each year, at the township clerk's office and elect from their number a treasurer, who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified, and may, at any time, fill by a new election any vacancy that may occur in the

office of trustee until the next annual election, and each trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office, as prescribed in section three of this act.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be on the third Monday of April, August, December and March in each year, and no notice of such meetings shall be required and the president and clerk, or any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum be present, and special meetings of said board may be called at any time on the request of the president or two members of said board, in writing delivered to the clerk, and the clerk, upon the receipt of such request, shall at once notify in writing each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the town clerk's office unless otherwise directed by resolution of said board. All the records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any legal voter of said district.

Quorum.
Regular meetings.

Special meetings.

SEC. 7. All the school property, real and personal, within the limits of the township of Rust, heretofore belonging to the different primary school districts in said township of Rust, shall, by force of this act, become the property of said public schools of the township of Rust, hereby organized; and all the credits of the several primary school districts at the passage of this act, shall belong to the said public schools of the township of Rust, hereby organized, and all the indebtedness of the said several primary school districts at the time of the passage of this act, shall be assumed and paid by the public schools of the township of Rust hereby organized.

(of school property.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, by a majority vote of said district board, and shall have power to employ teachers, provide books for district library, to make by-laws, regulate the taking of the census of all children in said district between the ages of five and twenty years, to make all necessary reports and transmit the same to the proper officers as designated by law, so that the said district may be entitled to its proportion of the primary school funds, and said board shall have authority to make all needful rules, regulations and by-laws relating to visitation of schools, relating to regulations of schools, and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to text-books, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of the thorough education of the children thereof; and it shall be the duty of such board to apply for and receive from the county treas-

Power and authority of board.

Proviso.

urer, or other officers holding the same, all moneys appropriated for primary schools and [the] district library of said district, and may adopt such by-laws and rules for their own procedure as they may deem necessary.

Board to make
annual estimates.

SEC. 9. The board of education, at their regular meeting on the third Monday of August, in each year, shall make an estimate of and determine the amount of money deemed necessary to be raised by taxes for the ensuing year for all purposes of expenditures within the powers of said board, which estimate shall specify the amount required for different objects of expenditure, and such shall be entered in the records of proceedings of said board; and the clerk of said board shall, within twenty days thereafter, make a written report of the amount of taxes estimated and determined to be necessary, and certify the same to the supervisor of said township of Rust, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected, and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and erecting school-houses, no greater sum than five mills on the dollar of all taxable valuation of the real and personal property of said district shall be levied in any one year, for more than five years from and after the passage of this act, and no greater sum than three mills on the dollar thereafter.

Proviso.

Duty of treasurer.

SEC. 10. The treasurer of the board shall have the keeping of the school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president; and said treasurer shall, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine, conditioned for the faithful performance of his duties and honest accounting for all moneys coming into his hands belonging to said district.

Board to make
statement
annually.

SEC. 11. The said board shall annually, and on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed during the preceding year, and the expenditures of said board for all purposes, and all the resources and liabilities of said district, which report or statement shall be entered at length in the records of said board, and shall be publicly read by the president of said board, or in his absence, by the clerk thereof, to the electors of the township of Rust at their annual township meeting, on the first Monday of April thereafter, between the hours of twelve o'clock noon, and three o'clock in the afternoon.

Treasurer to
report.

SEC. 12. The treasurer of the township of Rust shall at any time, at the request of the board of education, report to said clerk the amount of school money in his hands, and shall on the order of the president of said board, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt, which shall be filed with the clerk of said board.

SEC. 13. All taxes assessed within the township of Rust for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes. Taxes to set forth in separate column.

SEC. 14. The compensation of the members, president and clerk of the board shall be one dollar and fifty cents each for each day's actual service rendered for such district, to be audited by the said board of education at its regular meeting. Compensation of officers.

SEC. 15. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township: *Provided*, That whenever any surveyed township in the present organized township of Rust, is set apart and organized as a separate township, the schools in such township shall be governed by and conducted in accordance with the general laws of the State relative to public instruction and primary schools. When district shall be divided. Proviso.

This act is ordered to take immediate effect.

Approved April 28, 1891.

[No. 303.]

AN ACT to amend sections one and four of act number two hundred and seventy-seven of the local acts of the State of Michigan of the year eighteen hundred eighty-five, entitled "An act to incorporate the village of Manistique," approved March 17, 1885.

SECTION 1. *The People of the State of Michigan enact*, That sections one and four of act number two hundred and seventy-seven of the local acts of eighteen hundred eighty-five, entitled "An act to incorporate the village of Manistique," approved Act amended.

March 17, 1885, be and the same are hereby amended to read as follows:

Territory
incorporated.

SECTION 1. That all that tract of country situated in the county of Schoolcraft, in the State of Michigan, known and described as sections twelve and thirteen in township forty-one north, of range sixteen west, and sections seven and eighteen in township forty-one north, of range fifteen west, be and the same is hereby constituted a village corporate under the name of the village of Manistique and the jurisdiction of said village shall cover the navigable waters south of and adjacent to said village for a distance of one mile from the shore line.

Governed by
general law.

SEC. 4. Said village of Manistique shall in all things not herein otherwise provided, be governed by and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April 1, 1875, and acts amendatory thereto: *Provided*, That whenever the word March occurs in said act, in its application to this act it shall read April and whenever the word April occurs in said act it shall read May.

This act is ordered to take immediate effect.

Approved April 28, 1891.

[No. 304.]

AN ACT to amend sections four, six, one hundred and nine, one hundred and fifteen and two hundred and fifteen, of the acts of the Legislature of A. D. eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Owosso," approved February fifteenth, one thousand eight hundred and fifty-nine, and all subsequent amendments of such sections.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections four, six, one hundred and nine, one hundred and fifteen and two hundred and fifteen of the session laws of eighteen hundred and fifty-nine, being an act entitled, "An act to incorporate the city Owosso," approved February fifteenth, eighteen hundred and fifty-nine, and all subsequent amendments of said sections be and the same are hereby amended to read as follows:

Officers to be
appointed by
mayor.

SEC. 4. The officers of said city to be nominated by the mayor to the common council, and confirmed by a majority of all the aldermen elect of said city, shall be one auditor, one marshal, and watchmen not to exceed one for each ward, of whom one shall be designated as captain of the watch, one health physician and so many firewardens, common criers, pound masters, inspectors of firewood, weigh masters and auctioneers, as the common council shall from time to time direct, and such other officers as may be necessary to carry into effect the powers granted by this act whose powers and duties, other

than those defined in this act, shall be such as shall be prescribed by ordinance or resolution of the common council:

Provided, That the mayor may nominate to the common council, one street commissioner, whenever the common council shall by resolution, by a majority of all the aldermen elect, so determine: *Provided further*, That until such street commissioner shall be so nominated and confirmed, the city marshal

Proviso as to street commissioner.

Further proviso.

perform the duties of the office of street commissioner.

SEC. 6. An election shall be held in each ward annually, on the first Monday in April at such place as the common council shall appoint, by posting written or printed notices of the holding of said election, in at least three of the most public places in each ward, at least six days previous to said election, and all such election and all special elections provided for in this charter shall be conducted in the same manner as now provided or as hereafter may be provided for the conduct of general elections under the laws of this State, and the hour for opening and closing the polls, the manner of voting, counting the votes, holding and conducting such annual or any special elections in said city shall be the same in every respect as in the case of general elections in this State: *Provided*, That any provision in the laws of this State providing for the printing of tickets shall not apply to any such annual or special elections.

Selection of jury.

Proviso.

SEC. 109. Upon the day designated in said resolution or on some other day to be appointed by the court, and on filing a copy of said resolution and an affidavit showing the required publication thereof, the marshal shall attend said court, and write down the names of twenty-four disinterested freeholders, residing in said city, and not residing or owning property liable to assessment, within the judicial district of said city, wherein said public improvement is proposed to be made, and who shall be approved by the court, as such disinterested freeholders and residents, and qualified to serve.

Jury to assess damages, etc.

SEC. 115. Said jury shall apportion and assess the total damages and compensation to be paid in any case to and upon all lots of land, premises or subdivisions thereof, which will be benefited if the intended improvement be made, apportioning and assessing to and upon each, such portion of said total damages and compensation as they shall deem just: *Provided, however*, That if the total damages and compensation to be awarded to any person or persons, as above, shall exceed the total benefits to be apportioned to, and assessed upon any property for the benefit such will receive, then such excess shall be apportioned and assessed to the "judicial district," of said city of Owosso, within which said intended improvement is to be made.

Assessment of damages.

Proviso.

SEC. 215. The common council of said city shall have power, and are hereby authorized to borrow money or levy tax or taxes, and cause the same to be assessed upon the taxable property of the city, for the purpose of procuring a fire-engine or engines and apparatus, for the use of said city, or to pay for any other machinery, apparatus or contrivances adapted to the extinguish-

Power to borrow money for fire apparatus, etc.

Proviso.	ment of fires in said city, or to pay for other works, engines, machinery and apparatus for supplying said city with water, for the extinguishment of fires, and for other purposes: <i>Provided</i> , That no such loan shall be made or tax levied except by a vote of a majority of the aldermen elect of said city, and also a majority of the voters of said city voting thereon, to whom the question of borrowing money for such purposes, or levying such tax shall be submitted in the manner provided by law: <i>Pro-</i>
Further proviso as to control of water-works.	<i>vided further</i> , That all the public water-works in said city, shall be managed and controlled, except as herein otherwise
Officers of water board.	provided, by three commissioners, to be nominated by the mayor, and confirmed by the common council of said city, and such commissioners shall constitute a board to be designated by the name of the "Owosso water board," and such commissioners shall each hold such office for the term of three years from the second Monday in May after his appointment, and until his successor is selected and has accepted such office, except as hereinafter provided. The mayor shall, in his nomination to said common council, signify the term for which the commissioner so nominated is to be appointed. Each commissioner shall, within five days after his nomination is confirmed by said council, file his acceptance of such office with the city clerk. Such commissioners shall, on or before the second Monday in May, in each year, appoint one of their number presi-
Duties of president.	dent, and one secretary of such board. Such president may call a meeting of such board at any time, and when present,
Duties of secretary.	shall preside at all meetings thereof. Such secretary shall keep full and accurate accounts and records of all matters and things pertaining to the business of said "Owosso water board," also pertaining to the business and affairs of the water-works of said city, and such other records and accounts as may from time to time be directed by such board, or the common council of said city in the manner herein provided. And such secretary shall, as often as once in each month, make a report to the common council of said city, of all matters and things pertaining to the financial affairs and business of said "Owosso water board," and the water-works of said city, and as to such other matters and things as said common council, or said "Owosso water board," may from time to time by ordinance or resolution direct. Such secretary shall collect, receive and receipt for all moneys, water rents, and income derived from said water-works, and shall immediately pay the same over to the city treasurer of the city of Owosso. He
Secretary to give bond.	shall give such bond to the city of Owosso, for the faithful performance of the duties of his office, as may be required
Compensation of water board.	by the common council of said city. The respective members of said "Owosso water board," shall receive such salary as may be determined by said common council, not exceeding the sum of fifty dollars per annum except such secretary, whose salary shall not exceed the sum of four hundred dollars per annum. Vacancies in the office of the water commissioner
Vacancies, how filled.	arising from death, removal, resignation or otherwise, shall be

filled by nomination and confirmation as hereinbefore provided. Said common council may at any time by vote of two-thirds of all the aldermen of said city elect, had at any regular meeting of said council, remove any such water commissioner from office, and declare such office vacant, and thereupon such vacancy shall be filled in like manner as other vacancies in such office are filled. The common council of said city may by ordinance regulate and direct the manner in which the water-works of said city, and all matters and things pertaining thereto, shall be managed and controlled by said "Owosso water board," and by ordinance, prescribe rules and regulations therefor. Said common council may also by ordinance provide for the protection and regulation of the property, grounds, machinery and appliances of all water-works which belong to, and are within the control of said city, and the use of the same, and the water thereof, and for the purpose of such protection or regulation may prescribe such penalty, fine or imprisonment as they deem necessary for such purpose, not exceeding the limitations of this act.

Council to
regulate, etc.

This act is ordered to take immediate effect.

Approved April 28, 1891.

[No. 305.]

AN ACT to incorporate the village of Bellaire, in Antrim county.

SECTION 1. *The People of the State of Michigan enact,* That the following described territory, to wit: The south-west fractional quarter, the south fractional half of the north-west fractional quarter and the south half of the southeast quarter of section nineteen, the northwest fractional quarter, the north half of the northeast quarter and the southwest quarter of the northeast quarter of section thirty, all in township thirty north, of range seven west, and the northeast fractional quarter of section twenty-five, the southeast quarter, and the southeast quarter of the northeast quarter of section twenty-four in township thirty north, of range eight west, county of Antrim, be and the same is hereby constituted a village corporate to be known as the village of Bellaire.

Territory
incorporated.

SEC. 2. The first election of officers of said village shall be held at the Kearney town hall in said village of Bellaire, on the third Monday of April, in the year of our Lord one thousand eight hundred and ninety-one, due notice of which shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election.

First election.

Notice of
election.

SEC. 3. A. S. Abbott, C. E. Densmore and Louis Hoffman are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said

Board of registra-
tion.

Meetings of.	village. The said board of registration shall meet on the Saturday next preceding said day of election at said town hall and remain in session the same hours required by the board of registration for general elections and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be made by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.
Notice of registration.	
To be governed by general law.	SEC. 4. Said village of Bellaire shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.
Election at other than time designated.	SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on notice being given as required herein.
	Ordered to take immediate effect.
	Approved April 29, 1891.

[No. 306.]

AN ACT to incorporate the village of Pinconning, and to repeal act number five hundred [twenty-eight] twenty-three of the local acts of the Legislature of this State for the year eighteen hundred eighty-seven, entitled "An act to incorporate the village of Pinconning, in Bay county, Michigan.

CHAPTER I.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all those certain tracts or parcels of land lying and situate in the township of Pinconning in the county of Bay, and State of Michigan, to wit: The north half of the northwest quarter of section twenty-six, the southwest quarter twenty-three; the south half of the northwest quarter of section twenty-three; the southeast quarter of the northeast quarter of section twenty-two; the east half of the southeast quarter of section twenty-two, and the northeast quarter of the northeast quarter of section twenty-seven, all in town seventeen north, range four east, is hereby constituted a village corporate and known and designated as the village of Pinconning.

CHAPTER II.

Electors and elections.

SECTION 1. The inhabitants of said village having the qualifications of electors under the constitution of this State, shall meet in said village on the second Monday in March next, and

on the second Monday of March annually thereafter, at such place as shall be provided by resolution of said council and there by ballot shall elect by plurality of votes a president, clerk, assessor and marshal who shall, in addition to the duties of his office be street commissioner and pound master, each for one year, and a treasurer and three trustees and one member of the board of review for two years, who shall hold their respective offices for the term for which they were elected and until their successors are elected and qualified: *Provided*, That at the first election held in said village under the provisions of this act, there may be elected one member of the board of review for one year. But if an election of president and trustees shall not be had on the day provided for in this act the corporation shall not for that reason be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for holding of regular or special elections. The president and trustees shall constitute the common council, and the majority of the common council shall constitute a quorum for the transaction of business. A less number may adjourn from time to time.

Officers to be elected.

Proviso.

Election may be held at time other than time provided.

CHAPTER III.

DUTIES OF OFFICERS.

SECTION 1. The president shall be the chief executive officer of the village; he shall preside at all meetings of the council and shall be entitled to vote upon all questions, and may at any time call the yeas and nays. He shall from time to time, give the council information concerning the affairs of the corporation and recommend such measures as he shall deem expedient. It shall be his duty to exercise supervision over the affairs of the village and over the public property belonging thereto. To see that the laws relating to the village and the ordinances, by-laws and regulations of the council are enforced. He shall be a conservator of the peace and may exercise within the village the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and by-laws of the council. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances and by-laws of the village; and in case of his absence or inability to serve, the trustees shall have power to elect from their number a president *pro tem*, who shall be vested with all the powers and perform all the duties of president.

Duty of president.

SEC. 2. It shall be the duty of the clerk to give at least five days' notice of the time and place of holding any regular or special election in said village, either by posted, written or printed notices, in five of the most public places therein, or by causing the same to be published in some newspaper printed

Duty of clerk.

in the village, and at all elections the polls shall be opened at eight o'clock in the forenoon or as soon thereafter as may be, and closed at five o'clock in the afternoon; and at the close of the polls and before the board of inspectors of such election shall adjourn, the ballots shall be counted and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof before the adjournment of the said board of inspectors of election in a record book to be prepared by him and kept for that purpose, and shall be properly signed by every member of said board, certifying that the record is a true statement of the result of said election. The clerk shall also, within five days, give notice to the persons elected, who shall enter upon their duties the ensuing Monday.

Inspectors of election.

SEC. 3. At all subsequent elections, the president, clerk and any two trustees may be inspectors of election; and in case of the absence of the clerk, the president and the two trustees may choose any person to act as clerk of the election, and each of the inspectors shall be required to take an oath as required in the preceding section; and said board, when duly organized and sworn, shall have the power to preserve the purity of the election, as is now or may hereafter be given to township boards of election.

Oath of office.

SEC. 4. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take or subscribe an oath or affirmation, which may be administered by any trustee or other person authorized to administer oaths, to support the constitution of the United States, the constitution of this State, and that he will faithfully and impartially discharge the duties of his office to the best of his ability, a record of which oath shall be made and kept by the clerk of the village.

Body corporate.

SEC. 5. The president and trustees of said village shall be a body corporate and politic, with the same powers as township boards, in addition to those granted in this act under the name of the president and trustees of the village of Pinconning; and may have a common seal, which they may alter at pleasure; may purchase and hold real estate for the use of said village, and at any time sell and convey the same; and may sue and be sued; defend and be defended in any court; but when any suit shall be commenced against the corporation, the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village, at least six days before the return day thereof: *Provided*, That in case such summons cannot be served on the president for any reason, it may be served on any one of the trustees.

Proviso.

Vacancies.

SEC. 6. Any vacancy in any of the elective or appointive offices, whether by death, removal from office, resignation or otherwise, shall be filled until the next succeeding election by appointment to be made by the president and trustees.

To deliver books, etc., to successor.

SEC. 7. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or

appointed shall have expired, he shall, on demand, deliver over to his successor in office, all the books, papers, moneys and effects in his custody as such officer and in any way appertaining to his office, and every person violating this provision, shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner, and with like effect, as public officers generally for the like offense, under the general laws of this State now or hereafter in force and applicable thereto, and every officer appointed or elected under this act shall be deemed a public officer within the meaning and provisions of such general laws of this State.

SEC. 8. If during his term of office any officer of said village shall cease to be a resident thereof or if any such officer shall be a defaulter of said village, or shall neglect or refuse to comply with the requirements of his office, or fail to do the work required of him under the provisions of this act his office may be declared vacant by the common council. When office may be declared vacant.

SEC. 9. If any person elected or appointed to office in said village shall fail to take and file the oath of office as required by law, or shall fail to give the bond or security required within the time limited therefor, the common council may declare the office vacant, unless previously thereto he shall file the oath and give the bond and security required. Idem.

SEC. 10. No person shall be eligible to any office in said village unless he shall have resided therein at least three months next preceding his election and shall be entitled to vote therein. Who eligible.

SEC. 11. The president, village clerk and one trustee, to be appointed each year by the common council, shall be the village board of registration. On the Saturday next preceding the day of holding any annual or special election, and on any other days that the common council may appoint, the board shall be in session for the purpose of completing the registration of the electors of said village; notice of the time and place of holding such meetings shall be given with the notice of election. Board of registration.

SEC. 12. It shall be the duty of the village treasurer, marshal and clerk, on filing the acceptance of their office and before entering upon the duties thereof, to make and file with the village clerk, a bond for the faithful performance of their respective duties, in such amount and with such sureties as the common council may direct, which bond shall be approved by the common council. Bonds of officers.

SEC. 13. It shall be the duty of each trustee in said village to attend the regular and special meetings of the common council, to act upon committees when appointed, to order the arrest of all persons violating ordinances, by-laws or police regulations of the village, to report to the president all subordinate officers who are guilty of any official neglect of duty or misconduct in official affairs, to maintain peace and good order and to perform all duties required by this act. Duty of trustees.

SEC. 14. The village clerk shall be the general accountant of the village, and all claims against the corporation shall be Clerk to be village accountant.

Proviso.

filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counter claims of the village, and the true balance found by them to the common council for allowance, and when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating therein the fund from which payment is to be made, and to take proper receipts therefor: *Provided*, That the said clerk shall not in any case draw his warrant upon the treasurer for the payment of moneys out of any fund unless there be sufficient money in such fund to pay the amount named in the said warrant. When any tax or money shall be levied, raised or appropriated, the clerk shall report the amount thereof to the village treasurer stating the object and funds for which it is levied, raised or appropriated, and the amount thereof to be credited to each fund.

Clerk to have general supervision of certain officers, etc.

SEC. 15. The village clerk shall exercise a general supervision over all the officers charged in any manner with the receipts, collections and disbursements of the village revenue, and over all the property and assets of the village; he shall have charge of all the books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation. He shall countersign and register all bonds issued and keep a list of all property and effects belonging to the village, and of all its debts and liabilities. He shall keep a complete set of books, exhibiting the financial condition of the corporation in all [of] its departments, funds, resources and liabilities, with a proper classification thereof, showing the purpose for which each fund was raised; he shall record all official bonds of the village, in a book prepared for that purpose, and such record or a certified copy thereof shall be *prima facie* evidence of such bond and filing in all courts of this State and other places; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each fund of the village and credit him with all orders drawn thereon, keeping an account with each fund. The clerk shall report to the council at each regular meeting a detailed statement of the receipts, expenditures and financial condition of the village, of the debts to be paid and the moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office, as the council shall require. In case of the absence of the clerk for any cause, the council may appoint one of their number to perform the duties for the time being.

Clerk to report receipts and expenditures to council.

Duty of treasurer.

SEC. 16. It shall be the duty of the treasurer, in addition to those herein mentioned, to have the custody of all moneys and evidences of value belonging to the village. He shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all receipts and expenditures thereof. He shall pay no money out of the treasury, except in pursuance of and by authority of law, and upon an order signed by the clerk and countersigned by the president, which shall specify the purpose for which the amount is to be paid. He shall keep an accurate account of and be charged

with moneys received for the corporation. He shall exhibit to the council annually, and as often and for such periods as may be required, a full and detailed account of all receipts and expenditures since the date of his last annual report, classifying them by the fund to which such receipts are credited and out of which such expenditures are made, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the clerk. The treasurer may appoint the village marshal a deputy, for whose official duties he shall be responsible. It shall be the duty of the treasurer to report to the village clerk, at least once in each week, the amount of moneys coming into his hands since his last report.

Annual report of treasurer to council.

Weekly report of treasurer to clerk.

SEC. 17. The marshal, in addition to the duties hereinafter mentioned, shall have the general supervision of the village and see that the laws are enforced, and, by virtue of his office, shall be constable and chief of police of said village, with the powers of constables belonging to any township, having power to enter into any disorderly or gaming house or dwelling, or any other building, where he has reason to believe any felon is secreted or harbored, and where he has reason to believe any person who has committed a breach of the peace is secreted, or where he may suppose any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in unlawful assemblages, and bring them before any court or judicial officer having competent jurisdiction, who shall hear, try and determine the same according to law; and to compel the citizens to aid in extinguishing fires; to appoint deputies with powers similar with his own. As peace officer he shall, within said village, be vested with the powers conferred upon sheriffs for the preservation of quiet and good order. He shall at all times be subject to the supervision and control of the common council in the discharge of his official acts and duties, and may be removed from office by a majority vote of the whole number for any refusal or neglect to comply with their orders or directions, or any grave neglect in the discharge of his official duties: *Provided*, That in all cases of removal from office the cause of such removal shall be made a matter of record by the clerk of said village. He shall also have the general care and control of the village jail, and shall be the pound master of the village pound, and shall have authority to keep the same in good repair and ready for use.

Duty of marshal.

Proviso.

CHAPTER IV.

APPOINTIVE OFFICERS.

SECTION 1. The common council of said village shall have authority to appoint a village attorney and other officers, which they may deem necessary to appoint, who shall hold their office for a term of one year.

Authority to appoint officers.

SEC. 2. All officers appointed by the president and trustees shall hold their offices for one year or until their successors are

Terms of appointive officers.

elected and qualified, and the president and trustees may require of any of them security by bond for the performance of their duties as shall be thought expedient, which bond shall run to the president and trustees of the village of Pinconning, and their successors in office, and suit may be brought for the breach of the same in the name of the president and trustees of said village as in other cases, before any justice of the peace of the township of Pinconning, or in the circuit court for the county of Bay, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.

CHAPTER V.

GENERAL POWERS AND DUTIES OF THE COMMON COUNCIL.

To establish by-laws, etc.

SECTION 1. The president and trustees shall have power to ordain and establish by-laws, ordinances, rules and regulations, and to alter or repeal the same at pleasure for the following purposes:

Prescribe duties, compensation, etc., of officers.

SEC. 2. For the appointment of such other officers, whose election is not herein provided for, for said village, as they may deem necessary, and to prescribe the duties and fix the compensation for their services.

Supervision of officers, etc.

SEC. 3. To see that the village officers perform their duties faithfully and to remove for official misconduct or neglect of official duties officers appointed by them, first giving one week's notice in writing to the officers charged with such misconduct or negligence, specifying the charge or charges and naming therein a time and place for a hearing thereon.

Control of finances, etc.

SEC. 4. Shall have the management and control of the finances, rights, interests and belongings, and all other property, real and personal, belonging to said village, and may by a vote of the majority of the trustees elect, or in case of a tie, by a vote of one-half of the trustees elect and the casting vote of the president added thereto, dispose of any such property and make such rules, regulations and by-laws relating to the same as they shall deem proper and necessary.

Vice and immorality.

SEC. 5. To prevent vice and immorality, to preserve peace and good order, to organize, maintain and regulate all police of the village and to prevent and quell riots, disturbances and disorderly assemblies.

Police, etc.

SEC. 6. To appoint and prescribe the powers and duties of watchmen and make them members of the police force under the direction and control of the marshal, and to prescribe fines and penalties for their delinquencies.

Vagrants.

SEC. 7. To restrain apprehend and punish vagrants, mendicants, street beggars, drunkards and all disorderly persons. To punish persons of lewd and lascivious behavior, or for profane and blasphemous language, or for being intoxicated in or upon the streets and public places in said village.

Gaming.

SEC. 8. To prohibit and restrain persons from gaming for money with cards, dice, billiards, nine or ten pin alleys, ball

alleys, wheels of fortune, boxes or other instruments or devices whatsoever in any store, shop or any other place in said village; to punish the persons keeping such buildings, instruments or means for such gaming and to compel the destruction of the same.

SEC. 9. Shall have exclusive power to license such persons Licenses. as tavern keepers, saloon keepers and common victualers as they shall think best, but no license shall be granted for a period exceeding one year. To prevent the selling or giving away any spirituous or fermented liquors, to minors, drunkards or apprentices.

SEC. 10. To license and regulate hacks and other public Vehicles. vehicles.

SEC. 11. To regulate or prohibit bathing in the public Bathing in public waters. waters of the village, or any indecent exposure of the person or of the person of another in the village.

SEC. 12. To prevent, prohibit, abate, suppress or remove Nuisances. nuisances of any kind, and to compel the owner or occupant of any grocery, butcher shop, slaughter-house, hog-pen, stable or privy, sewer, or any other unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience, or safety of the inhabitants of said village, and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same.

SEC. 13. To suppress all disorderly houses or house of ill-fame, and to punish the keepers and inmates thereof. Disorderly houses.

SEC. 14. Shall have exclusive power to provide for the Purity of waters. cleansing of all streams and of the mill pond in said village, and to cause the removal of all buildings from the banks thereof in any way causing the contamination of the waters of said streams or mill pond.

SEC. 15. To prevent and compel the removal of all incum- Incumbrances of streets, etc. brances, encroachments and obstructions upon the streets, walks, alleys and other public places of the said village, and to compel the owners or occupants of lots to clear the sidewalk in front and adjacent thereto of snow, ice, dirt, mud, boxes, and every other incumbrance or obstruction thereon.

SEC. 16. To regulate the buying, keeping, carrying, selling and using of gunpowder, fire-crackers and fire-works manufact- Dangerous and explosive materials. ured therefrom, and to prevent and suppress the exhibition of fire-works, burning or explosion of fire-crackers, and the discharge of fire-arms within the corporate limits of said village; and to prevent, prohibit and restrain the making of bonfires in the streets, alleys and yards, and to regulate the use and kind of lights and lamps to be used in barns, stables and all buildings and establishments usually regarded as extra hazardous in respect to fire.

SEC. 17. To prohibit, prevent and suppress the sale of every Unsound meat, etc. kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, and to punish

all persons who shall knowingly sell the same, or offer or keep the same for sale.

Pounds. SEC. 18. To establish and regulate one or more pounds and to restrain or regulate the running at large of horses, cattle and swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and maintaining the same.

Dogs. SEC. 19. To prevent or regulate the running at large of dogs, to impose taxes on the owners of dogs and to prevent dogs from fighting in the streets, and to require them to be muzzled and authorize their destruction if found running at large in violation of any ordinance.

Cartmen, hacks, etc. SEC. 20. To regulate and license cartmen, teamsters, porters, hacks, cabs, drays, and to regulate their compensation.

Water-works. SEC. 21. The common council shall have exclusive control of the system of water-works now established in said village, and shall provide for the care and maintenance of the same as they may deem necessary, and shall arrange for the purpose of supplying the city with water for municipal, domestic and other purposes; and to regulate the water rate for the supply thereof by consumers, and are hereby vested with full and complete power and authority to enact, make and adopt any and all such ordinances, by-laws, rules and regulations as they may deem necessary, requisite and expedient to carry into complete effect the power and authority hereby conferred upon them relative to the same.

Reservoirs. SEC. 22. To establish, regulate and preserve public reservoirs and wells and to provide for their care and purity.

Street lighting. SEC. 23. To regulate the lighting of streets and alleys and the protection and safety of public lamps.

Boundaries of streets, etc. SEC. 24. To ascertain, settle and establish the boundaries of all streets and alleys, and to establish grades therefor; also to order and cause to be drained or filled up all pools and swamps in said village, and to assess the costs and expenses thereof on the premises benefited: *Provided*, That two-thirds of such property be represented in a petition for such improvements.

Street lines, etc. SEC. 25. To establish lines upon which buildings may be erected and beyond which such buildings shall not extend, to prevent the erection of buildings or public halls in an unsafe manner; to establish fire limits, and prescribe by ordinance from time to time, limits or districts within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts with respect to protection against fire and the materials of which the outer walls and roofs shall be constructed.

Fire department. SEC. 26. To establish a fire department, to provide for the prevention and extinguishment of fires, and to establish and organize fire companies, in the manner and under such regulations as the common council shall prescribe.

Jail and fire apparatus. SEC. 27. To keep in order and build additions to the jail and hose house already constructed in said village, to purchase

and keep in order hose carts, hose and other apparatus, and to construct buildings in which to store the same, when they may deem it necessary.

SEC. 28. To regulate the hanging or placing of signs, the setting of swing and other posts and of shade trees in the streets and the protection of the same, and compel the removal of those which are improperly placed therein; to provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said village belonging to or under the control of the corporation.

Signs, shade trees, etc.

SEC. 29. To regulate the time and manner of working upon the streets, lanes and alleys in said village; to provide for the grading, paving and planking of all streets, lanes and alleys, sidewalks and cross-walks, and to prescribe the width thereof; to lay out and open all streets, lanes and alleys, parks and public grounds and alter and vacate the same, and alter and vacate those already laid out; to construct and repair all bridges and culverts hereafter constructed within said corporation.

Grading, paving, etc., of streets.

SEC. 30. To license auctioneers, hawkers, peddlers and pawnbrokers and to regulate, license or prohibit auctions, or the soliciting, selling or peddling of goods and wares and merchandise, by persons going about from place to place in said village for that purpose, or from any stand, cart, vehicle or other device in the streets, highways or other places, public grounds or buildings in the village.

Auctioneers, etc.

SEC. 31. To require any horse or mule attached to any vehicle in any of the streets, lanes or alleys of said village to be securely fastened, watched or held, and to prevent, and punish horse-racing and immoderate driving or riding in any street or over any bridge in said village; and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving in any street or over any bridge in said village.

Fast driving, etc.

SEC. 32. To assess and levy taxes on real and personal property as hereinafter provided.

Taxes.

SEC. 33. To prohibit and restrain or regulate the rolling of hoops, playing at ball, flying of kites, skating, sliding on sleds, riding on bicycles, velocipedes, or other amusement or practice tending to annoy or in any manner to injure persons passing on the streets or sidewalks, or to frighten or interfere with teams or horses.

Sports in streets.

SEC. 34. To prescribe, regulate and restrain the use and speed of locomotives, engines and cars on all railroads within the limits of said village, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof; and to require and compel railroad companies using steam locomotives, to keep flagmen or watchmen at any railroad crossing of streets, that the common council may deem necessary, and to give warning of the approach and passage of trains thereat.

Speed of trains, etc.

SEC. 35. To prescribe the powers and duties of all the

Duties of officers.

- officers, except as herein otherwise provided, and their compensation and the fines and penalties for their delinquencies.
- Unlawful assemblages, etc.** SEC. 36. To provide and punish for any disturbance of any religious meeting, congregation or society or other public meeting, assembled for any lawful purpose, and to prevent and punish for any unlawful assembling and loitering about the streets or other public places; to prohibit all practices amusements and doings in the streets, lanes, alleys and public places in said village having a tendency to frighten teams and horses, or dangerous to life, limb or property; to preserve quiet and good order in the streets and other public places, and to prevent persons, not passengers or railroad employées, from jumping on and off of cars while in motion.
- Lotteries.** SEC. 37. To prohibit, prevent and suppress all lotteries from drawing or disposing of money or other property, or valuable thing whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the direction, maintenance or management thereof.
- Repairs of sewers, etc.** SEC. 38. To regulate the manner of making all openings in the removal of the soil of the public streets or grounds, for the laying or repair of sewers, drains or water pipes, and to prevent all such removals or openings of the soil, except by express permission of the common council; to prevent and punish for any willful injury to streets, sidewalks, cross-walks and other public grounds.
- Toy pistols, etc.** SEC. 39. To prevent and regulate the sale or giving away, or keeping for sale of toy pistols, and all other toy instruments and devices, in which gunpowder or other explosives are used.
- Exhibitions, etc.** SEC. 40. To regulate, license, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, theatrical exhibitions, shows and exhibitions for which money, or other reward is in any manner demanded or received; lectures on historic, literary or other scientific subjects excepted.
- Poll-tax.** SEC. 41. The common council shall have power to assess and collect from every male inhabitant of said village, not exempt by the laws of this State, an annual capitation or poll-tax, not exceeding one dollar, and they may provide by ordinance or by-laws for the collection of the same.

CHAPTER VI.

SEWERS AND DRAINS.

- Council may establish sewers and drains.** SECTION 1. The common council may establish, construct and maintain sewers and drains wherever and whenever necessary, and of such dimensions and materials and under such rules and regulations as they may deem proper for the drainage of the village, and private property, or the use thereof, may be taken in the manner prescribed by the general laws of this State for the taking of private property for public uses.
- Power of council as to railroad companies.** SEC. 2. The common council shall have power within the corporate limits of said village to compel any railroad com-

pany to make, keep open and in repair such drains, ditches, sewers and culverts along, under or across, any and all railroad tracks in said village, owned, operated or controlled by such railroad companies, as may be necessary to drain their grounds and right of way property; and in such manner as the common council shall direct, and so that the natural drainage of adjacent property shall not be impeded; also to fence the side of any street to which said railroad company may run parallel, and to repair any damage or injury which may have been done to such street by any such railroad company. If any such railroad company shall neglect to perform any such requirements according to the direction of said common council, the common council may cause the work to be done, at the expense of such company, and the amount of the expenses thereof may be collected at the suit of the village against the company in an action of assumpsit, before any court having jurisdiction of the cause.

CHAPTER VII.

INFECTIOUS DISEASES.

SECTION 1. The common council of said village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, pestilential, infectious and contagious diseases, within the village or within one mile thereof; stop, detain and examine for that purpose any person coming from any locality infected or believed to be infected with such disease, and to provide such measures in such cases as they may deem expedient, and the safety of the public requires. Power of council as to public health.

CHAPTER VIII.

POWERS OF THE COMMON COUNCIL TO RAISE MONEY BY TAX.

SECTION 1. The common council shall have power to raise annually by tax upon the real and personal property in said village taxable under the constitution and laws of this State, such sums of money as may be necessary to defray the expenses and pay the liabilities of the village, and to carry into effect the powers in this act granted: *Provided*, That the amount of money to be raised annually by a tax upon the real and personal property in said village, shall not exceed one-fourth of one per cent for highway purposes, one-half of one per cent for contingent purposes and three mills on the dollar for a sinking fund. Power to levy taxes. Proviso.

SEC. 2. The fiscal year of the said village shall commence on the third Monday of March in each year, unless otherwise provided by ordinance. Fiscal year.

SEC. 3. It shall be the duty of the common council to cause estimates to be made in each year of all the expenditures Annual estimates.

which will be required to be made. The common council may also, at the same time, determine the amounts of, or any part of, any special assessment to be levied, assessed or re-assessed in the next general tax roll of the village, upon any parcel or parcels of land, or against any particular person or persons.

Assessor to make
assessment roll.

SEC. 4. The assessor of said village shall, in each year, on or before the third Monday in June, make and complete an assessment roll of all the real and personal property in said village liable to be taxed under the laws of this State, and of all the property of any person liable to be taxed therein; and in so doing he shall conform to the provisions of law governing the actions of supervisors of townships performing like services, and shall have the same powers as such supervisors, and in all other respects he shall, unless otherwise provided in this act, conform to the provisions of law applicable to the actions and duties of supervisors of townships in the assessment of property and the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Board of review,
duty of, etc.

SEC. 5. The assessor and the two persons elected as members of the board of review, as provided for in chapter [two] eleven of this act shall constitute a board of review of assessments, and within five days after the completion of the assessment roll, as provided in the preceding section, the assessor shall report the same, with the proper certificate under his hand indorsed upon or annexed thereto, to the said board of review of assessments, and on the Tuesday next following the third Monday in June, and before any tax shall be levied on the same, said board of review shall meet at the council room in said village. Of the time and place of such meeting they shall previously give notice by publishing the same in some weekly newspaper published in said village, at least three days previous to the meeting of such board, or by posting such notice in three public places in said village not less than five days prior to such meeting, and shall continue in session that day and the day following, if necessary, to complete the review of said assessments. For the purpose of reviewing assessments, said board of review shall have the same powers and perform the same duties in all respects, as far as possible, and otherwise provided in this act, as boards of review of townships in reviewing and correcting township assessments.

Persons may ex-
amine roll, etc.

SEC. 6. At any time during the session of said board any person desiring to do so can examine his or her assessment on said roll, and may show cause, if any, why the valuation should be changed. The board shall decide the same, and their decision shall be final unless the person affected thereby shall within twenty-four hours after such decision make and file with the village clerk, his appeal therefrom to the common council in writing, and state specifically the grounds for such appeal.

Board to certify
roll to council,
etc.

SEC. 7. It shall be the duty of the board of review, when they shall have completed the review of said roll, and the same shall have been completed in conformity with the corrections so made, they shall add thereto their certificate of the fact; and the assessor shall, on or before the second Monday of July,

submit the said assessment roll so corrected and certified, to the common council of said village, and the common council shall at the same time, or at an adjourned session, proceed to consider the special appeals, if any, taken from the action of the board of review of said assessments, and decide the same in a summary manner, correcting any error or errors that they discover in the assessment, and on or before the third Monday of July, fully and finally confirm said assessment roll, and thereupon cause it with the record of their action thereon to be returned to the assessor together with the amounts which they require to be raised by a general tax, for highway and other general funds; and all amounts of special assessments which they require to be re-assessed upon any lands or parcels of land or against any person with the particular description of the lands and property to be re-assessed, and the amounts to be re-assessed upon each parcel of land, and the name or names, as far as known of the persons charged with such tax, specifying each particular fund and the amounts thereof to be raised for each of said funds, and which certificate indorsed upon or annexed to the said roll, shall be signed by the president and clerk of the said village.

SEC. 8. Upon receiving the assessment roll with the certificates of the several amounts to be raised thereon as provided in the preceding sections, the assessor shall proceed to estimate, apportion and set down in columns opposite to the several valuations of real and personal property upon the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents apportionable to each, placing the general fund taxes of the village in one column, and if there be other taxes assessed, than for the said general funds, they shall be carried out in separate columns, and all special assessments required by the common council, or the provisions of this act, to be assessed in such roll against any descriptions of land or lands or other property, shall be carried out in separate columns of such roll: *Provided*, That when any assessment shall be made for a special improvement, it shall be legal, even if it is not made at the time of making the general list, and which taxes shall be and remain a lien upon the property so assessed or taxed, until the same shall be paid.

Assessor to extend tax.

Provided.

SEC. 9. The assessor of said village shall, on or before the fourth Monday in July of each year, deliver to the village treasurer a copy of the said assessment roll with a warrant annexed thereto, under the hand of the assessor and president of said village, commanding the village treasurer to collect the taxes spread thereon within sixty days from the date of said warrant from the several persons, companies and corporations mentioned in said roll, and the several sums mentioned therein set opposite to their respective names, as a tax or assessment, and also authorizing him, in case any person, company or corporation shall refuse or neglect to pay the said sums taxed or assessed to him or them, to levy the same by distress and sale of the goods and chattels of such person, company or corpora-

Assessor to deliver roll to treasurer with warrant.

tion, together with the costs and charges of such distress or sale. The president may extend from time to time, by order of the common council, the warrant and time for the collection of said taxes, not exceeding in all thirty days from the expiration of the time first specified in such warrant, for the collection thereof. In case of such extension, the warrant annexed to the roll shall continue in force during the time extended.

Treasurer to
collect taxes.

SEC. 10. The village treasurer, on receiving such tax roll and warrant shall proceed forthwith to collect such taxes in the same manner as provided by the laws of this State for the collection of taxes by township treasurers in townships, and shall be entitled to the same compensation.

In case of refusal,
etc., to pay.

SEC. 11. If any person shall neglect or refuse to pay the sum or sums which shall be taxed or assessed to them as aforesaid, the village treasurer is hereby authorized and required to levy the same by distress and sale of the goods and chattels of said person liable to pay the same; in making such distress and sale, the said treasurer shall, in all of his proceedings, conform as nearly as practicable to the laws regulating the collection of taxes by township treasurers in this State.

May be collected
by suit.

SEC. 12. If upon the return of a warrant and assessment roll, it shall appear that any tax or assessment remains unpaid, the same may be collected of the person or persons liable to pay the same by suit in the name of the village of Pinconning, before any court of competent jurisdiction. In such suit a declaration on the common counts in assumpsit for money had and received shall be sufficient; and the production of any assessment roll on the trial of any action brought for the recovery of a tax or assessment therein assessed, may, upon proof that it is the original assessment roll, with the warrant of the assessor and president of the village annexed thereto, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax, or assessment therein charged or assessed against the defendant, in such suit, it shall be *prima facie* evidence of the legality of the assessment of the same, and the court before whom the action is pending, shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid said tax or assessment, or that the same is illegal, and no stay of execution shall be allowed upon any such judgment. Suit under this section may be brought before any justice of the peace in the township of Pinconning residing in the village of Pinconning.

Treasurer to
make return to
county treasurer.

SEC. 13. Within ten days after the expiration of his warrant, or of the time to which it has been extended, the village treasurer shall return to the county treasurer, a statement containing the names of all persons who have failed to pay any tax or assessment assessed to them in said roll, together with the description of the property upon which such tax or assessment was levied, remains unpaid, and in such statement the amount of the different taxes remaining uncollected shall be placed in a separate column to correspond with the assessment roll, and said treasurer shall verify such statement by his affidavit, in

which he shall state in substance that the sums mentioned in such statement as uncollected remain unpaid; that he has upon diligent inquiry, not been able to discover any goods or chattels liable to pay such sums whereupon he could levy the same; the village treasurer shall also make a statement showing the taxes upon personal property remaining unpaid, and the names of the persons against whom assessed, and the amount against each, which statement shall also be verified by the affidavit of such treasurer that such taxes remain unpaid; that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person liable to pay such sums, whereupon he could levy the same, and that such statement of taxes remaining unpaid, was taken from the assessment roll, a copy of which he shall also return to the county treasury with such statement.

SEC. 14. The county treasurer shall immediately compare such statements with the said tax roll, and if he finds the same to be correct, he shall add to each of them a certificate showing that he has examined and compared such statements with the said tax roll, and found them correct, and shall file such statements in his office: *Provided*, That the county treasurer shall, at the time of making such comparison, and at no other time, reject any tax upon any land which shall have been twice assessed or upon any parcel or parcels, which shall be so erroneously or defectively described that it cannot be ascertained. Duty of county treasurer.
Proviso.

SEC. 15. When the county treasurer shall receive from the village treasurer the statements of unpaid taxes, together with the list of lands upon which the same are delinquent, verified according to affidavit as provided for in the preceding section, he shall enter the same at length on the books in his office, provided especially for that purpose by the said village. Said county treasurer is authorized at any time to receive the amounts due for said taxes and receipt for the same, as long as said roll shall remain in his hands, and shall pay the same to the village treasurer only on the warrants of the president and clerk of said village, and it shall be the duty of the said county treasurer to notify the clerk of said village of the amount of uncollected taxes in his hands and liable to be paid to the [said] village treasurer. Idem.

SEC. 16. In the collection of the said taxes returned by the [said] village treasurer to the said county treasurer, as delinquent, and in the sale of such lands, the said county treasurer in addition to the powers in this act granted, shall conform to the provisions of law, as nearly as practicable, and shall have the same powers and perform the same duties as are given to and required of county treasurers under the general laws of this State for the collection of delinquent taxes and the sale of such tax lands for taxes assessed thereon. Idem.

CHAPTER IX.

ORDINANCES.

Style of ordinances.

Ordinances to be published.

SECTION 1. The style of all ordinances of said village adopted after the passage of this act shall be, "the village of Pinconning ordains." The time when any ordinance passed by the common council shall take effect shall be fixed and prescribed in the ordinance, which time shall not be less than fifteen days from the passage thereof. No by-law or ordinance of said village shall have any effect until the same shall have been published at least two weeks in a newspaper printed in said village or until it shall have been posted up ten days in three of the most public places in said village, and an affidavit of said publication of the publisher of said newspaper in the manner aforesaid, and in case the publication is by posting up, said affidavit to be made by the clerk of the village, and when entered at large upon the records of said village shall be *prima facie* evidence of such publication. Two weeks publication under this section shall be construed to mean two issues of the paper in which such ordinance is printed.

May prescribe penalties.

SEC. 2. When by the provisions of this act the common council have authority to pass ordinances or by-laws on any subject, they may prescribe a penalty not exceeding one hundred dollars fine or ninety days' imprisonment, or both, in the discretion of the court, together with the costs of prosecution for a violation of any of said ordinances or by-laws and may provide that the offender, on failing to pay said fine, penalty or forfeiture, together with the costs of prosecution, be imprisoned in the county jail of Bay county or in the lock-up of said village for any term not exceeding ninety days.

Disposition of fines.

SEC. 3. All fines or other moneys collected under the provisions of this act shall be paid to the village clerk and by him receipted for and paid to the village treasurer.

Present ordinances to remain in force.

SEC. 4. All ordinances, by-laws and resolutions passed by the common council, which are in force at the time of the passage of this act, shall remain in force from and after the passage of this act, as if passed under the provisions of this act.

CHAPTER X.

ENFORCEMENT OF ORDINANCES.

Any justice may issue warrant.

SECTION 1. Whenever any person shall be charged with having violated any by-law or ordinance of said village by which the offender is liable to imprisonment, any justice of the peace of the township of Pinconning, to whom complaint shall be made, shall issue a warrant under his hand, directed to the sheriff or any constable of said county or to the marshal of said village, commanding him or them in the name of the people of the State of Michigan to bring the body of such

person before him forthwith to be dealt with according to law, to answer unto the said village; and any such person to whom such warrant shall be delivered for service, is hereby required to execute the same under the penalties and forfeitures, which are by law incurred by sheriffs and other officers, for neglecting or refusing to execute other criminal process, and all process issued by any justice of the peace to enforce or carry into effect any of the by-laws or ordinances of the village of Pinconning, may be delivered to the sheriff or any constable of the county of Bay or to the marshal of the village of Pinconning, and the marshal or other officer to whom such warrant shall be delivered for service, is hereby required to execute the same in any part of this State where the offender may be found, under the penalties which by law are incurred by sheriffs and other officers for neglecting or refusing to execute criminal process.

SEC. 2. Any justice of the peace residing in the township in which said village is located, or residing in said village, shall have full power and authority and it is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and hear, try and determine all offenses which shall be committed within said village against any of the by-laws or ordinances which shall be made by the common council and to punish the offenders as by said by-law or ordinance shall be provided or directed.

Any justice of township or village shall have jurisdiction.

SEC. 3. In all courts having authority to hear, try and determine any matters or cause arising under the ordinance of the village, and in all proceedings in the village relating to or arising under the ordinance or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of such ordinances, and whenever it shall be necessary to prove any of the laws, regulations or ordinances of said village, or of any resolution adopted by the said common council, the same may be read and received in all courts of justice and in all [proceedings] proceeding; first, from the record thereof kept by the village clerk; second, from a copy of the ordinance, by-laws or regulations, or of the record thereof, certified by the clerk under the corporate seal of the village; third, from any volume of ordinances, purporting to have been written or printed by authority of the common council.

Judicial notice.

SEC. 4. In all trials before any justice of the peace, under the provisions of this act, any person charged with the violation of any law or ordinance of the village, may demand a trial by jury, and all proceedings for selecting and summoning such jury, and in the trial of the cause shall be in conformity as near as may be with the mode of proceeding in similar cases before justices of the peace.

Right to trial by jury.

SEC. 5. Warrants issued by any justice of the peace for the apprehension of any person charged with the violation of any ordinance or by-law of the village of Pinconning, shall recite the substance of the complaint as in other criminal

What warrant shall recite.

cases, and shall command the officer to whom the same is directed, as is provided in the preceding sections, and the person charged being brought before the justice issuing such warrant, the same proceedings shall be had, as near as may be, as is provided [by law] for the trial, conviction and punishment of offenders against the laws of this State, or for the trial of such offenses as justices of the peace have jurisdiction to hear and determine.

Right to appeal.

SEC. 6. In all civil or criminal cases, tried before any justice of the peace for the violation of any village by-law or ordinance, the right of appeal, or *certiorari* shall be allowed to the circuit court for the county of Bay, as is allowed for the decision and judgment of justices of the peace in townships, and such appeal may be taken in like manner and with like effect.

Use of jail.

SEC. 7. The corporation of said village shall be allowed the use of the common jail of the county of Bay for the imprisonment of any person liable to imprisonment, under the by-laws or ordinances of said village, and all persons so committed to said jail shall be under the charge of the sheriff or keeper of the jail of said county, as in other cases: *Provided*, The county shall in no wise be charged with the costs and expenses of imprisonment in civil cases.

Neglect or refusal to pay over fines, etc.

SEC. 8. Any person who shall have received any fines or other moneys belonging to said village, shall neglect or refuse to pay over the same pursuant to the provisions of this act, it shall be the duty of the common council to cause suit to be commenced immediately therefor, and to prosecute the same to effect. Any person receiving any such fines or other moneys, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provision, shall be deemed guilty of a misdemeanor and punished accordingly.

CHAPTER XI.

STREETS AND SIDEWALKS.

May require owners to build or repair sidewalks.

SECTION 1. Whenever the common council shall deem it expedient to construct or repair any sidewalk or cross-walk or plank any street, lane or alley within said village, they may by ordinance or resolution require the owner or owners of any lot or premises adjoining said street to build such sidewalk or construct, repair or plank such street, lane or alley to the middle of such street, lane or alley, in front of his, her or their lot or premises; or they may direct such sidewalk and repairs to be made and such street or streets to be planked according to the provisions of this act. If the owner or owners of any lot in said village, after notice so to do shall have been given, served or published as the common council may direct by ordinance or resolution, shall fail or neglect to construct or repair any such sidewalk, or to plank any street, or to clear away any snow, ice or other obstruction upon any sidewalk, street, lane or alley, in

Proceedings in case of neglect or refusal.

the said village, within such time as the common council may prescribe by ordinance or resolution, the common council may cause the same to be done at the expense of the village; an accurate account of the expenses thereof shall be kept by the street commissioner and returned to the village clerk within five days after said work shall be done; said account so certified by the street commissioner shall contain a description of each parcel of real estate adjoining which such sidewalk or planking was made, repaired or constructed, and the expense thereof, and also the name of the owner or occupant of each parcel of said real estate, if known, and if not known, shall be so stated in said account, and such expense shall be deemed to be a special assessment upon such lot or premises and the common council may add the same to the amount of the general village tax on such lot or premises in the proper tax roll next thereafter to be made, and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added, and may be collected and enforced as ordinary village taxes.

SEC. 2. All cross-walks shall be constructed at the expense of the village, and all gutters at the expense of the owner, in front of or adjoining whose premises said gutters are to be built, laid or constructed. Cross-walks and gutters.

SEC. 3. The common council shall have power to repair or clean sidewalks as they shall by ordinance or [by law] by-law or resolution prescribe, after neglect or refusal of the owner or owners of said premises to perform the same, at the expense of the village, and may recover the amount of such expense from the owners thereof, in the same manner and form as is prescribed by section one of this chapter. Repairing and cleaning sidewalks.

SEC. 4. The common council shall have full power to establish all grades of streets, sidewalks, lanes and alleys, and regulate the grading of the same and to change the same at will. Grades.

SEC. 5. The common council shall have power to make regulations as to the platting of additions to the village, so that the streets of said additions shall conform with and continue those already laid out; and no plat of any addition within the corporate limits of the village shall be recorded by the register of deeds of said county, until the village clerk of said village has certified thereon the approval of the common council. Platting of additions.

CHAPTER XII.

WATER-WORKS.

SECTION 1. The common council shall have exclusive authority to maintain and control the water-works of said village, and it shall be the duty of the village clerk to act as clerk of the board of water-works commissioners, or the committees on water-works appointed by the common council. Water-works.

CHAPTER XIII.

SETTLEMENT WITH THE VILLAGE TREASURER.

Annual settle-
ment with
treasurer.

SECTION 1. The common council of said village shall, on the Thursday next preceding the holding of any annual election, meet with and settle with the treasurer of said village, and the financial statement of such settlement shall be published in some newspaper printed in said village and publicly announced on the day of such election.

CHAPTER XIV.

Present ordi-
nances to con-
tinue in force.

SECTION 1. All existing ordinances and resolutions of said village of Pinconning not inconsistent with the provisions of this act, shall continue in force until repealed or amended by the common council of said village, and all of the proceedings of said council under the provisions of its former act of incorporation are hereby legalized, if not inconsistent with the general laws of this State.

Governed by
general law.

SEC. 2. The said village of Pinconning, in all things not herein otherwise provided for shall be governed and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages, approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto."

Present officers
to continue.

SEC. 3. All persons heretofore elected or appointed to office in and for the village of Pinconning, and now holding office, shall continue to hold their respective offices and to perform the duties thereof for the remainder of the terms for which they were elected or appointed.

Repealing
clause.

SEC. 4. An act entitled "An act to incorporate the village of Pinconning, in Bay county, Michigan," approved June twentieth, eighteen hundred and eighty-seven, is hereby repealed.

This act is ordered to take immediate effect.

Approved April 29, 1891.

[No. 307.]

AN ACT to incorporate the public schools of the township of Ontonagon, in the county of Ontonagon.

Single school
district.

SECTION 1. *The People of the State of Michigan enact,* That the territory embraced in the township of Ontonagon, in the county of Ontonagon, be and the same is hereby organized, enacted and declared to be a single school district, which shall be a body corporate by the name and style of the "public schools of the township of Ontonagon," and by that name may

Name.

sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of the State relative to corporations, so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which, relating to common or primary schools, shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act, and all schools organized in said district in pursuance of this act, under the directions and regulations of said board of education, shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years inclusive, and to such other persons as the board of education shall admit: *Provided*, That whenever the majority of electors in any surveyed township in said township of Ontonagon shall petition the board of education to establish a school district therein, the said board of education are hereby authorized and directed within three months thereafter to set apart and organize the same as a separate school district.

Subject to
general laws.

All schools to be
public and free.

Proviso.

SEC. 2. The officers of said district shall consist of two trustees, who, together with the clerk and school inspector of said township shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township of Ontonagon, upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided*, That at the annual election to be held in said township in the year eighteen hundred and ninety-two, there shall be elected two trustees for said district by the electors thereof, one of whom shall hold his office for the term of one year, and the other one for the term of two years, and until their successors shall be elected and qualified and the time for which the person voted for shall be elected shall be designated on the ballot, and at each election thereafter to be held, one trustee shall be elected in said district, who shall hold his office for the term of two years, and until his successor shall be elected and qualified, said trustee to be designated on the ticket or ballot: "For member of board of education."

Officers.

How and when
elected.

Proviso.

SEC. 3. Within five days after the annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected, shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths, and file the same with the township clerk. The term of office of the trustees of said district shall commence on the second Monday following the annual township election at which they are elected.

Clerk to notify
trustees of elec-
tion, etc.

SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk and organize. The school inspector of the township whose term of office will soonest expire shall be

Board of educa-
tion, when to
organize, etc.

Clerk.	president of the board and shall be entitled to vote in all cases. In the absence of the president at any meeting a majority of the members present may choose one of their own number president <i>pro tem</i> . The township clerk of said township of Ontonagon shall be <i>ex officio</i> clerk of said board of education, and shall be entitled to vote thereon, and in case of the absence of said clerk, the board may choose some suitable person to perform his duties. Said board shall on said third Monday of April in each year elect from their own number a treasurer, who shall hold his office for one year and until his successor is elected and qualified, and may at any time fill a vacancy in the office of treasurer: <i>Provided</i> , That the person appointed to fill a vacancy in the office of treasurer shall only hold the office for the unexpired portion of the term. The treasurer of the said board shall, within five days after his appointment as such treasurer, file with the clerk of said board the constitutional oath of office and give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.
Treasurer.	
Proviso as to vacancy.	
Treasurer to give bond, etc.	
Vacancies.	SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board.
Quorum. Regular meetings.	SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular [meetings] meeting of said board shall be held on the third Monday of April, August, December and March in each year, and no notice of such meeting shall be required, and any two members of said board, shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president, or any two members thereof in writing delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All the meetings of said board shall be held at the township clerk's office unless otherwise ordered by resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk, and shall be open to the inspection of any tax-payer of said district.
Special meetings.	
Board of school inspection.	SEC. 7. The said board shall be the board of school inspection for said district, and shall, as such, report to the clerk of the county of Ontonagon, and shall have all the powers and

perform all the duties now enjoined upon and performed by the board of school inspectors of the township of Ontonagon, and the president of said board shall perform all the duties now performed by the chairman of the board of school inspectors of Ontonagon township. And the board of school inspectors is hereby abolished except as its powers are vested in said board of education.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws, relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers as designated by law so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to the length of time schools shall be kept, which shall not be less than three months in each year, relative to the employment of teachers duly and legally qualified, relative to the regulation of schools, and the books to be used therein: *Provided*, Their acts are not in conflict with any general law relative to textbooks, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district and the promotion of a thorough education of the children thereof. It shall be the duty of said board to apply for and receive from the county treasurer or other officer holding the same, all moneys appropriated for primary schools and district library of said district.

Power and authority of board.

Provido.

SEC. 9. At each annual township meeting held in said township of Ontonagon the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: *Provided*, That in case the electors at any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of Ontonagon township, who shall spread the same upon the regular tax roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and for erecting school-houses no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

Electors to determine tax at annual meeting.

Provido in case of neglect.

Provido.

SEC. 10. All taxes assessed within said township of Ontonagon for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Taxes to be kept separate.

SEC. 11. The treasurer of the township of Ontonagon shall at any time, at the written request of said board of education

Township treasurer to pay money to treasurer of board.

report to said clerk the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.

Annual statement of board.

SEC. 12. The said board shall annually, on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence, by the clerk thereof, to the electors of the said township of Ontonagon at their annual meeting on the first Monday of April thereafter, at the hour of twelve o'clock noon.

All school property to become property of township district.

SEC. 13. All school property, both real and personal, within the limits of the township of Ontonagon shall, by force of this act, become the property of the public schools of the township of Ontonagon hereby organized, and all debts and liabilities of the primary school district of said township of Ontonagon as they existed prior to the taking effect of this act shall become the debts and liabilities of said public schools of the township of Ontonagon.

All money or tax to accrue to township district.

SEC. 14. All money raised or being raised by tax, or accrued or accruing to the school districts of said township, as organized under the primary school laws of this State, shall hereby become the money of the public schools of the township of Ontonagon, and no tax now ordered assessed or levied for school purposes in said township, or other proceedings, shall be invalidated or affected by means of this act.

Compensation of board.

SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents each for each day's actual service rendered for said district and the clerk and treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding fifty dollars each per annum.

When township district shall be divided, etc.

SEC. 16. When the township district hereby incorporated shall be divided into two or more townships the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When the township district shall be altered in its

limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township: *Provided*, That whenever Proviso. any surveyed township in the present organized township of Ontonagon, is set apart and organized as a separate township, the schools in such new township shall be governed by and conducted in accordance with the general laws of the State relative to public instruction and primary schools.

Ordered to take immediate effect.

Approved April 30, 1891.

[No. 308.]

AN ACT to amend the charter of the city of Adrian.

SECTION 1. *The People of the State of Michigan enact*, Sections amended. That sections one, eleven, thirty-seven, ninety-one, ninety-four, [ninety-nine,] one hundred and eight, one hundred and thirteen, one hundred and forty-eight, one hundred and fifty-two of an act entitled "An act to re-incorporate the city of Adrian," approved March eighth, one thousand eight hundred and eighty-seven, be amended so as to read as follows:

SECTION 1. That so much of the former townships of Adrian Territory incorporated. and Madison, in the county of Lenawee, as is embraced in the following description, to wit: The south half of section thirty-four; the northeast quarter of section thirty-four; all of section thirty-five, and the west half of section thirty-six, in the said township of Adrian, and also the west half of section one; all of sections two and three; the north half of the northwest quarter of section twelve; the north half of the north half of section eleven; a strip of land thirty-three feet in width off the west side of the southwest quarter of the northeast quarter, and a strip of land nine hundred and thirty feet in width off the east side of the southeast quarter of the northwest quarter of section eleven, and the north half of the northeast quarter of section ten, in the township of Madison, is hereby set off from said townships of Adrian and Madison and constituted a body corporate by the name and style of the city of Adrian by which Corporate name. name it shall be hereafter known.

SEC. 11. The aldermen of each ward shall constitute the Board of registration. board of registration therein except as in this act otherwise provided. If by reason of a change of boundary of any ward, or the formation of a new ward, or other cause, there shall not be any, or a sufficient number, of aldermen representing such ward to constitute a board of registration of two persons, the

council shall supply the vacancy or appoint a board of registration for the ward. The council shall, at the request of any alderman, at a meeting prior to the day of registration, appoint some voter of the ward as a member of the board of registration, in place of said alderman, and in case an alderman cannot serve and no member in his place has been appointed by the council, he may designate a voter of said ward to fill his place, and if he fail to do so, the other member of said board shall appoint some voter of the ward to act as [a] member of said board, such appointments to be in writing and filed with the city clerk; said appointees must be sworn before entering upon their duties as members of the board of registration. No person shall be refused registration except by decision of both members of the board, rejecting [said] the [name] same.

Notice of election to be given.

SEC. 37. Notice of the time and place or places of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least eight days before such election by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city one time, at least eight days before the election; and in case of a special election, the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Salaries.

SEC. 91. The mayor and aldermen may each receive such salary not exceeding fifty dollars per year as may be prescribed by the council. All other officers of said corporation shall receive such compensation for their services as the city council shall prescribe, except where the same is fixed by this act, or is or shall be prescribed by other statutes of this State: *Provided*, That the city marshal shall not receive more than eight hundred dollars. And such salary shall be in full for all services rendered by him in the performance of any of the duties of his office in any one year. Said city marshal shall not during his term of office as marshal hold the office of constable, or be appointed to any other office under the charter or ordinances of said city. The city clerk shall not receive more than the sum of one thousand dollars for his services in any one year, which shall be in full for all services performed by him in the discharge of the duties of his office and in full for the services of any deputy, all clerk hire or other assistance required in the performance of the duties of his office. The city collector shall not receive more than the sum of five hundred dollars for his services for any one year, which shall be in full for all services performed by him in the discharge of the duties of his office, and in full for the services of any deputy or clerk hire. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls, and as members of the board of review, shall not exceed the sum of one hundred and fifty dollars each, as may be determined by resolution of the city council of said city. For each official year for all services performed for,

Proviso as to salary of marshal.

Clerk.

City collector.

Supervisors.

and to be paid for by the county, they shall receive the same fees as supervisors of townships.

SEC. 94. The mayor shall be president of the council and preside at the meetings thereof, and shall have a vote on all questions. President of council.

SEC. 99. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members, in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest sold or disposed, of or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect, nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by resolution of the council, nor shall any resolution therefor be passed or adopted, except by the vote of a majority of all the aldermen elected to office. Meetings to be public. Quorum. Two-thirds vote necessary in certain cases.

SEC. 108. No member of the council or any officers of the corporation shall be interested, directly or indirectly, in the profits of any contract or job for the city of Adrian, other than official services to be performed for the corporation. Any member of the council or officer of the city of Adrian, offending against the provisions of this section, shall upon conviction thereof be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one, nor more than six months, or may be both fined and imprisoned in the discretion of the court, and shall forfeit his office. This section shall not apply to goods furnished, work done or services rendered for said city by order of the council or of a committee having authority to order the same. Officers not to be interested in contracts. Penalty for.

SEC. 113. The style of all ordinances shall be "The city of Adrian ordains." All ordinances shall require for their passage the concurrence of a majority of all the members of the council entitled to vote. Style of ordinances.

SEC. 148. The council of said city may provide by ordinance for the police force and for the appointment of such number of policemen and nightwatchmen as they may deem necessary for the good government of the city, and for the protection of the persons and property of the inhabitants, and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police and nightwatchmen. Police force.

SEC. 152. The mayor may suspend any police or nightwatchman for neglect of duty, misconduct or other sufficient cause, but he shall report the same to the council within five days, at a regular meeting or at a special meeting called therefor. Mayor may suspend certain officers.

together with his reasons for such suspension, and unless his action is approved by the council by at least one-half of all the aldermen elect, said policeman or nightwatchman shall be restored to duty, and shall not be again suspended by the mayor, except by the consent of the marshal and the entire committee on license and police. In case the suspension is sustained by the council it shall prescribe the duration of such suspension, and the council may remove from office any policeman appointed thereto at any time.

This act is ordered to take immediate effect.

Approved April 30, 1891.

[No. 309.]

AN ACT to provide for the retirement of aged and disabled policemen and firemen in the employment of the city of Grand Rapids, and for the payment of pensions to the wives and children and widowed mothers of deceased policemen and firemen, killed in the service of the city of Grand Rapids.

Policemen and
firemen placed
on the retired
list.

Proviso.

To receive half
pay.

Proviso as to
amount.

Further proviso.

SECTION 1. *The People of the State of Michigan enact*, That any person who has been a member of the police or fire departments of the city of Grand Rapids, so that his combined services in said departments shall have been for a period of twenty years subsequent to June first, in the year of our Lord, eighteen hundred seventy-five; or, who has been employed by the board of police and fire commissioners of the city of Grand Rapids for a period of twenty years subsequent to the first day of June in the year of our Lord, eighteen hundred seventy-five, may be placed on the list of retired policemen and firemen, on account of disability, by a vote of four-fifths of said commissioners: *Provided*, That it shall require a certificate of said disability signed by the city physician and two other physicians or surgeons selected by the common council of said city. Any person in the employment of said commissioners who may hereafter be totally disabled from further duty while in the discharge of his duty as such policeman and such fireman may, in like manner, be placed on the list of retired policemen and firemen; and all such retired policemen and firemen shall receive annually thereafter a sum equal to one-half of the sum paid to full paid firemen and policemen filling a like position at the time of their retirement, to be paid in twelve monthly payments during the remainder of their natural lives, such moneys to be collected and paid in the manner hereinafter provided: *Provided, however*, That no person so retired shall receive more than four hundred and fifty dollars per annum: *And provided further*, That said board of police and fire commissioners may place on the list of such persons any person who became totally disabled

while in the employ of said commissioners prior to the passage of this act.

SEC. 2. In case any person, in the employ of the board of police and fire commissioners of the city of Grand Rapids, shall be killed while in the discharge of his duty, or shall receive injuries which shall result in his death within one year thereafter, the wife or children, or if there be no wife or children the dependent parent or parents of such person shall, by a vote of four-fifths of the said board of police and fire commissioners, be paid a pension for a period of five years; the wife shall receive the sum of three hundred dollars annually, in twelve monthly payments of twenty-five dollars each, during the term of five years or until she re-marries or dies, in which case all payment of moneys under this act to such widow shall cease, but shall be paid to such children as shall be under the age of sixteen years at the time of the re-marriage or death of the widow, the money to be equally divided among such children; such child or children shall receive in equal payments, according to the number of such children, the same amount as would have been paid the widow; such payments to be paid monthly as hereinafter provided, and to continue until such child or children shall attain the age of sixteen years, unless they die before reaching that age, but not for a longer period than five years, or if there be no widow or children, then the dependent parent or parents may receive the same benefits as is provided in this act for the widow. The moneys for the payment of such pensions shall be collected and paid in the manner hereinafter provided.

Widow, children, and dependent parents to be pensioned.

SEC. 3. Whenever any persons are placed on the retired list, as provided in this act, it shall be the duty of the board of police and fire commissioners of said city, to promptly report its action to the comptroller of the city of Grand Rapids, giving the names of the persons retired, together with a full statement of facts connected with the retirement of such person or persons. It shall be the duty of the comptroller to register the names of such persons as being retired policemen or firemen of the police or fire department of the city of Grand Rapids, as the case may be, and, as hereinafter provided, pay them the moneys due them under this act.

Board to report to comptroller.

Duty of comptroller.

SEC. 4. There shall be kept in the office of the police and fire commissioners, by the secretary of the board, a book to be known as the "list of retired policemen and firemen." This book shall give a full and complete history and record of the actions of the said board of police and fire commissioners in retiring any and all persons under this act, such record to give the names, date of joining the department, date of retirement, and the reason therefor of any and all persons retired. When the widow or children, or parent or parents or either of them shall be entitled to a pension, as herein provided, such widow or children or parent or parents shall make application for a pension to the board of police and fire commissioners, through the secretary of such board, on a form to be provided by such

Secretary to keep record.

How application to be made.

Proofs required. board. Accompanying such application shall be the proof of the marriage of the deceased with the widow claimant, such proof to be established by the marriage certificate, or other competent evidence of the marriage relation. Proof of the birth of the children shall be shown by the certificate of the attending physician, or by other competent proof, or in case of the parent or parents satisfactory proof of the parentage shall be shown. All applications and proofs shall be retained in the custody of the board of police and fire commissioners, and whenever such application for pensions are allowed by the board of police and fire commissioners due notice of such action, with the names of all the pensioners, shall be given to the comptroller of the city of Grand Rapids, who shall cause such persons to be registered in his office as pensioners of the police and fire departments of the city of Grand Rapids.

Annual estimates. SEC. 5. On or before the last Saturday of June, in each and every year, the comptroller shall submit to the common council his estimate of the amount of moneys necessary to pay such retired policemen and firemen and pensioners as shall be entitled to moneys under this act for the following fiscal year and the common council shall appropriate, and cause to be levied and collected by taxation such sum of money as shall be required to make the payments provided for by this act: *It is further provided,* That in his second and all subsequent estimates, the comptroller shall include a sum equal to the amount of unpaid taxes charged back to the funds provided by this act at the end of the preceding fiscal year. All moneys collected under this act shall be placed to the credit of "the police and fire department retired and pension fund," and if at any time the cash balance shall not be sufficient to pay matured claims, the common council is authorized to transfer from the contingent fund of said city such further sum as shall be necessary: *Provided,* That such amount so transferred shall not exceed the amount of the uncollected appropriation.

Proviso.

Disposition of moneys collected.

Proviso.

When and how paid. SEC. 6. The board of police and fire commissioners, at the last meeting in each month, shall order the payment of moneys due all persons under this act, and a voucher shall be prepared for the payment of each person so entitled to moneys, the correctness of the same to be duly certified to by the chairman of the finance committee of said board of police and fire commissioners, and the fact of the allowance of the claim duly attested by the president of said board. The secretary of said board shall transmit such vouchers to the comptroller of said city, and it shall thereupon become the duty of said comptroller to include the same in his next report to the common council in the same manner as other claims and accounts against said city are by said comptroller audited and reported to said common council, the same to be paid from and charged to the said "police and fire department retired and pension fund."

Examination under oath, etc. SEC. 7. Before issuing any voucher for the payment of a pension, it shall be the duty of the secretary of the board of

police and fire commissioners to examine under oath all pensioners, with a view to ascertaining if they are at that time entitled to a pension as provided for in this act, and whenever the said secretary shall learn any person has ceased to be entitled to a pension as herein provided for, he shall record the fact on the roll of pensioners, and promptly notify the comptroller of such disability, and such person shall thereupon be dropped from the said rolls: *Provided*, That the said board of commissioners may, by a vote of four-fifths of the members, discontinue the pension and strike from the list the name of any retired policeman or fireman, or parent or parents, and after such action by said board has been taken, said pension shall cease to be audited by the comptroller. Proviso.

SEC. 8. When any claims for pensions are allowed, after the last Saturday of June, in each and every year, there shall be no payments made for pensions so allowed after said date, until after the beginning of the next ensuing fiscal year: *Provided*, however, That the first payment so made shall be for the period intervening between the date of allowance of such pension and the date of making such first payment: *Provided* further, That nothing in this act shall in any way make the State of Michigan liable for the payment of any moneys herein provided for. No payments after certain dates.
Proviso.
Further proviso.

SEC. 9. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved April 30, 1891.

[No. 310.]

AN ACT to amend sections two, four, twenty-seven, forty-one, forty-three, forty-five, fifty-five, sixty-one, sixty-two, seventy-nine, eighty-seven, ninety-three, one hundred and forty-six, two hundred and twenty-six and two hundred and fifty of an act entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May fifth, eighteen hundred and seventy-seven, being act number three hundred and twenty-eight of the session laws of one thousand eight hundred and seventy-seven, as amended by act number four hundred of the session laws of one thousand eight hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact*, That sections two, four, twenty-seven, forty-one, forty-three, forty-five, fifty-five, sixty-one, sixty-two, seventy-nine, eighty-seven, ninety-three, one hundred and forty-six, two hundred and twenty-six and two hundred and fifty of an act entitled "An act to revise and amend the charter of the city of Ypsilanti," approved May fifth, one thousand eight hundred and seventy-seven, being act number three hundred and twenty- Sections amended.

eight of the session laws of one thousand eight hundred and seventy-seven, as amended by act number four hundred of the session laws of one thousand eight hundred and eighty-one, be amended so as to read as follows:

Territory
Incorporated.

SECTION 2. *The People of the State of Michigan enact*, That so much of the township of Ypsilanti, in the county of Washtenaw as is included in the following description, to wit: Beginning on the north bank of the Huron river, on the line between sections four and five, in said township, thence south to the northeast corner of lot number eight of the subdivision of said section five; thence west to the northwest corner of lot number six, in said subdivision; thence south to the center of the Ann Arbor road; thence north eighty degrees and ten minutes west along the center of said Ann Arbor road thirty chains and twenty-five links; thence south thirty-nine degrees and fifty minutes west along the center of what is known as the south Ann Arbor road eleven chains and forty-one links; thence south eighteen degrees and ten minutes east thirty-six chains and five links to the center of the highway leading westerly from the west end of Congress street; thence south sixty-six degrees and twenty minutes west along the center of said highway two chains to the northeast corner of Ed. Crane's land; thence south eighteen degrees and ten minutes east along the east line of said Crane's land extended to the center of the Chicago road; thence easterly along the center of the Chicago road to the present city limits; thence south to the south line of the Wm. Watling farm; thence in a northeasterly direction along the south line of said Watling farm to the center of the Monroe road; thence northerly along the center of the Monroe road to the south limits of the city as now located; thence east to the Huron river; thence down the west bank of said river to the southeast corner of the west half of the northwest fractional quarter of section fifteen, in said township; thence north to the north line of the southwest quarter of section three, in said township; thence west to the east line of River street; thence northerly on the east line of said street to the north line of Highland cemetery, protracted east; thence west to the northwest quarter of section four; thence south to the southeast corner of said quarter section; thence west to the north bank of the Huron river; thence up the said river to the place of beginning, be and the same is hereby set off from the said township of Ypsilanti, and declared to be a city by the name of "the city of Ypsilanti," by which name it shall hereafter be known.

Corporate name.

Division into
wards.

First ward.

Second ward.

SEC. 4. The said city shall be divided into five wards, to wit: The first ward shall embrace all that portion of said city lying west of the Huron river and south of the south line of Congress street, extended westerly to the west limits of said city. The second ward shall embrace all that portion of said city lying west of the Huron river and north of the south line of Congress street, extended westerly to the city limits and north to the center of the Ann Arbor road, and the north line of

Ellis street projected easterly to the Huron river. The third ward shall embrace all that portion of said city lying west of the Huron river and north of the second ward. The fourth ward shall embrace all that territory lying north of the north line of Cross street and east of the Huron river. The fifth ward shall embrace all that territory lying east of the Huron river and south of said fourth ward.

SEC. 27. The following officers shall be appointed by the mayor, at a meeting to be held on the first Monday in May of each year, viz.: One city marshal, five special deputy marshals, one [from] for each ward, one health physician, one firewarden for each judicial district, one pound master for each judicial district. The mayor shall also, on the first Monday in May, one thousand eight hundred and ninety-one, appoint, subject to the approval of a majority of the members elect of the common council, three commissioners of public works, two of whom shall be residents of the first judicial district, and one a resident of the second judicial district, one to hold the office for the term of one year, one for the term of two years and one for the term of three years. There shall also be appointed in the same manner annually thereafter one commissioner of public works, to hold his office for the term of three years, but at no time shall more than one of said commissioners be residents of the second judicial district or more than two residents of the first judicial district. The mayor may also appoint, when he deems it necessary, special policemen to act until the next regular meeting of the common council. The common council shall appoint on the first Monday in May in each year, one city clerk, one city treasurer, one city attorney, one street commissioner, one city surveyor, one chief of the fire department and also one deputy city clerk on the recommendation of the city clerk, and one deputy city marshal on the recommendation of the city marshal. The common council shall also at the same time elect one of their number president of the council, who shall, in the absence of the mayor, preside at all meetings and in the absence of the mayor from the city, shall act as and have the powers of the mayor. The appointments made by the mayor, except commissioners of public works, shall be absolute, the mayor to be responsible therefor, and the power is hereby granted him to remove his own appointees at his pleasure and to appoint others in their places, the mayor to report all removals or appointments by him made, at the first regular meeting of the common council thereafter. The common council may also, from time to time, provide by ordinance for the appointment and appoint for such term as may be provided in any such ordinance, such other officers whose election or appointment is not herein specially provided for, as the common council shall deem necessary for the execution of the powers granted in this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance. Any appointment which shall not be made on the day named may be made at any subsequent regular or special meeting of the common council.

Third ward.
Fourth ward.

Fifth ward.

Officers to be
appointed by
mayor.

Commissioners of
public works.

Residence of.
Terms of.

Officers ap-
pointed by the
council.

President of
council.

Appointments
by mayor
absolute.

Other officers
appointed by
council.

Mayor, powers
and duties of.

SEC. 41. The mayor shall be the chief executive officer of the city. He shall, from time to time, give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws of the State, and the laws relating to the city, and the ordinances and regulations of the council, are enforced. In case of a tie in the council the mayor may cast the deciding vote, except in appointments of officers hereby delegated to the common council.

Mayor to preside
at meetings.

SEC. 43. The mayor, when present, shall preside at the meetings of the common council, and in his absence, the president of the council shall preside.

Duty of city
clerk.

SEC. 45. The city clerk shall keep the corporate seal, and all the documents, official bonds, papers, files and records of the city, not by this act or the ordinance of the city entrusted to some other officer; he shall be clerk of the council; shall attend its meetings, record its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matter contained, to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations. He shall be clerk of the commissioners of public works, unless objected to by a majority vote of the commissioners.

Chief of police.

SEC. 55. The city marshal shall be the chief of police, and he and his deputies shall be subject to the orders of the mayor and perform police duty when so ordered by him. The city marshal shall also act as city superintendent of the poor, and shall perform the same duties that the supervisors of townships, under the general laws of this State, are required to perform in regard to the support of the poor, and the supervisors of said city are excepted from the general laws of the State relating to the support and maintenance of poor persons so far as the same relates to the support of poor persons having a settlement in said city. The common council may make such regulations as they shall deem expedient for the support and relief of poor persons residing in said city, and for that purpose may prescribe by ordinance the duties of the marshal relating to the same.

Commissioners
of public works,
power and duty
of.

SEC. 61. The commissioners of public works, under the general direction of the common council, shall have charge of the water-works, electric lights, parks, and such other public property as may be put in their charge by the common council. They shall superintend the running of the water-works and electric lights, shall employ and superintend all help necessary to run the same; said commissioners shall have the supervision of collecting all water rates and shall deposit all moneys collected by them with the city treasurer at least once each week

and take his receipt therefor, and the clerk of said commissioners shall file a report, in writing, under oath, on the first of each month, with the common council, showing the amount of money collected during the preceding month, with the treasurer's receipt for the same thereto attached; they shall keep all public property under their control in good repair, and report to the common council on the first and third Mondays of each month, in writing, giving an exact statement of all labor performed by them or under their supervision, and the charges therefor, the amount of material used and the expense thereof, and the place where such material was used or labor performed, and further showing the items and purposes of all expenses incurred since their last preceding report, and no payment for material furnished, services performed, or for expenses incurred, shall be made until reported as aforesaid, and ordered paid by the common council. Said commissioners shall perform all other duties that may be required of them by ordinance or resolution of the common council.

SEC. 62. The street commissioner shall, under the general direction of the common council and the senior alderman from each ward, superintend all work to be done or performed ordered, or required to be done or performed upon, or in relation to any of the public streets, walks, bridges, or public pounds, and shall perform such other duties as may be required by ordinance or request of the common council. He shall make a report to the council, in writing, and on oath, twice in each month, giving an exact statement of all labor performed by him or under his supervision, and the charges therefor, the amount of material used and the expense thereof, and the streets or place where such material was used or labor performed, and further showing the items and purposes of all expenses incurred since his last preceding report, and no payment for labor or services performed, or for expenses incurred by him, shall be made until reported on oath as aforesaid, and ordered paid by the common council.

Street commissioners, duty of.

To report to council semi-monthly.

SEC. 79. The common council shall annually determine the salary or compensation to be paid to the following named officers of said city within the limitations hereinafter prescribed and which shall be as follows, viz.: To the mayor a sum not exceeding one dollar per annum; to the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding six hundred dollars per annum, which shall be in full for all services performed by him; to the city treasurer a sum not exceeding two hundred dollars per annum; to the city attorney a sum not exceeding two hundred dollars per annum; to the street commissioner a sum not exceeding four hundred dollars per annum; to the city marshal a sum not exceeding six hundred dollars per annum; to the health physician a sum not exceeding one hundred dollars per annum; to the chief of fire department a sum not exceeding one hundred dollars per annum. The compensation of each alderman is hereby fixed as follows: For services as inspector at any gen-

Compensation of officers.

eral or special election, the sum of two dollars per day; for services upon the city board of registration, the sum of two dollars per day; for services upon the board of review, the sum of two dollars per day; for services upon the board of health, the sum of twenty dollars per year; for all other duties as alderman, either under [the] provisions of the charter or under the State laws, the sum of one dollar per annum.

Officers to give information, etc.

SEC. 87. The city attorney, [commissioner] commissioners of public works street commissioner, marshal, city surveyor, and engineer of the fire department, shall give opinions and information on all subjects relating to their respective departments when required. Said officers may be required to attend the meetings of the council in the same manner as members, but without the power to vote.

To attend meetings.

Removals from office.

SEC. 93. Any person appointed to office by the council by authority of this act, may be removed therefrom by a concurring vote of two-thirds of all the aldermen elect; and the council may expel any alderman, or remove from office any person elected thereto, by a concurring vote of two-thirds of the aldermen elect. In case of elective officers, provision shall be made by ordinance, for preferring charges and trying the same; and no removal of an elective officer shall be made unless a charge in writing is preferred, and an opportunity given to make a defense thereto: *Provided*, That the provisions of this section shall not apply to the mayor or justices of the peace.

Plan of drainage.

SEC. 146. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city or any part thereof, it shall be their duty to so declare by resolution, and cause a plan of drainage to be prepared for the whole city, or for such part thereof as they shall determine.

Authority to levy taxes, etc.

SEC. 226. The council of the city shall have authority within the limitations herein prescribed, to raise annually by taxation within the corporation, such a sum of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted. They shall not contract any debt to an amount exceeding the sum of ten thousand dollars, or sell any property belonging to the city of the value of ten thousand dollars or upwards, in any one year, without first submitting the same to a vote of the electors: *Provided, however*, That this shall not affect the provisions of sections two hundred and forty-three, two hundred and forty-four and two hundred and forty-five, and money raised for the purposes mentioned in said three last mentioned sections shall not be used or applied to any other purpose.

Proviso.

Board of review.

SEC. 250. The supervisors of the several districts, together with the senior aldermen from each ward, shall constitute a board of review of assessments. At the time appointed by law for the review of assessments made by supervisors of townships the said board of review shall meet at the place of meeting of the common council and there proceed to review and correct the assessments made by the supervisors in the several districts; and for that purpose said board shall have the same

Time and place of meeting.

powers and perform the same duties in all respects as supervisors of townships in reviewing and correcting assessments made by them. Said board shall continue in session one day, for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the city clerk by publication in one of the newspapers of the city, at least one week before the time for the review.

Powers and duties of.

Notice of meeting.

This act is ordered to take immediate effect.

Approved May 1, 1891.

[No. 311.]

AN ACT to authorize the First Free Will Baptist church of Lansing, Michigan, to mortgage certain of its real estate for the purpose of paying its debts.

SECTION 1. *The People of the State of Michigan enact,* That the First Free Will Baptist church of Lansing, Michigan, a religious corporation duly organized and existing under the laws of this State, be, and the same is hereby authorized and empowered to borrow money to the extent of two thousand five hundred dollars for the purpose of paying its indebtedness, and to mortgage the east half of lot twelve, block one hundred and thirty-six, in the city of Lansing aforesaid, to secure the payment of such loan. Such mortgage shall be executed under the direction of the board of trustees, by the chairman of such board and the church clerk.

Authority to borrow money on mortgage.

Who to execute.

This act is ordered to take immediate effect.

Approved May 1, 1891.

[No. 312.]

AN ACT to incorporate the public schools of Highland Park, Wayne county.

SECTION 1. *The People of the State of Michigan enact,* That the territory embraced within the following lines in the townships of Greenfield and Hamtramck, in the county of Wayne, viz.: Commencing at a point in the center of the highway known as the Canniff road three hundred and fifty feet east of the center line of the highway known as Oakland avenue, thence northerly parallel with and three hundred and fifty feet east of the center line of said Oakland avenue on a line extended to the center line of the highway known as the six-mile road, thence westerly along the center line of said six-mile road to a point three hundred and fifty feet west of the center line of the proposed highway known as Hamilton avenue

Territory incorporated.

Corporate name.	<p>as surveyed, thence southerly parallel with and three hundred and fifty feet west of the center line of said Hamilton avenue on a line extended to the center line of the aforesaid Canniff road, thence easterly along the center line of the aforesaid Canniff road to the place of beginning, and such additional territory as shall hereafter be admitted to such district by the board of school trustees thereof, when authorized by the board of school inspectors of either of the townships of Greenfield or Hamtramck, shall constitute a single independent school district to be known and designated as the "public schools of Highland Park," and said district shall have all the powers and privileges conferred upon school districts and union school districts by general law; and hereafter all schools organized therein in pursuance of this act, under the direction and regulation of the school board, shall be public and free to all children actual residents within the limits thereof, between the ages of five and twenty years inclusive.</p>
First meeting.	<p>SEC. 2. The first meeting of the legal voters of said district under this act shall be held at the store of Finn and Hickey, on Woodward avenue, in said district, on the second Monday in July, eighteen hundred and ninety-one. Notice of such first</p>
Notice of first meeting.	<p>annual meeting may be given by any three or more electors of such district by posting written or printed notices thereof in at least three public places within such district at least eight days</p>
Annual meeting.	<p>before such first annual meeting. The annual meetings of said district shall be held on the second Monday of July in each year, and notices of which shall be given in pursuance to the general school law. At the first annual meeting of said district there shall be elected three trustees for the term of one year, and three trustees for the term of two years and annually thereafter there shall be elected three trustees for the term of two years.</p>
Trustees.	<p>The trustees so elected shall serve for the terms for which they</p>
Terms of.	<p>are severally elected and until their successors are elected and</p>
President of board.	<p>qualified. Within ten days after the first meeting provided for in this act, and within ten days after each annual meeting, the board of trustees shall meet and elect from their own number a president, secretary, and treasurer, whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director and assessor of school districts of the State, except so far as the same are varied or modified by the provisions of this act. Said board of trustees shall have the power to fill any and all vacancies that may occur in their number, or in the officers appointed by them until the next annual meeting of the district. At the said first meeting, three inspectors and one clerk of election shall be elected by the legal voters present from their own number.</p>
Vacancies.	<p>SEC. 3. Said board of trustees shall, before engaging any superintendent, principal or teacher, examine into his or her qualifications, and all teachers employed by said board shall be considered as legally qualified without any further examination or certificate from the county board of examiners, and said board shall have authority to prescribe a course of reading and</p>
Trustees to examine teachers.	

professional study and instruction to be pursued by such teachers, under the direction of the superintendent for their improvement in methods and practice of teaching, and to encourage and promote a higher professional standard of culture and preparation among the teachers employed in such schools.

SEC. 4. It shall be the duty of the board of trustees to provide all necessary fixtures and appurtenances for the school-houses, and to keep the same in good condition and repair, and when the said district shall deem it expedient to establish and maintain a district library, it may do so. The said board of trustees is authorized to employ superintendents, teachers, janitors and librarians; to purchase books for said library, to establish, locate and maintain a high school, grammar and primary schools, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools in said district, and the promotion of the thorough education of the children therein. It shall be the duty of said board to apply for and receive from the county treasurer, or other officers holding the same, all moneys appropriated for primary schools and the district library of said district, to adopt by-laws and rules for their own procedure, and [to] make all needful rules and regulations for the control and management of the schools of said district, and the said district library. Said board shall keep an account of all expenses incurred by them, and all claims for such expenses shall be audited by said board and paid by the treasurer out of any money provided for that purpose, on the order of the secretary, countersigned by the president of said board. Said board shall present at each annual meeting of the district a statement of the amount of all receipts and disbursements for the school year, and it shall be the duty of said board to make an estimate of the amount necessary to be raised in addition to other school funds for the entire support and maintenance of such schools for the ensuing year, including the expenses for the management of said library and any indebtedness of said district, and on or before the second Monday in September, the secretary shall certify such amounts together with any judgments that may exist against the district, direct to the supervisors of the townships of Greenfield and Hamtramck; who shall meet together on or before the last Monday in September of each year, and apportion the said amounts between the said towns according to the relative amounts of taxable property in such towns lying within the school district aforesaid, and the same shall be levied and collected and returned in the same manner as other taxes.

Duty of board of trustees.

Board to make annual statements of receipts and expenditures.

SEC. 5. The treasurer of said district, within ten days after his election and before he shall enter upon the duties of his office, shall give a bond to the district in such sums and with such sureties as shall be approved by the school board, for the faithful discharge of the duties of said office, and to account for and pay over all moneys that shall come into his hands by virtue of such office; and he shall have power, by suit at law, under the direction of the district board, in the name of the

Treasurer, duties of.

To give bond.

public schools of Highland Park, to collect all moneys due said district for the tuition of scholars who are not actual residents of said district, or that may be due said district in any other manner whatever. Said bond shall be filed with the secretary of said board. He shall pay out of the moneys received by him for that purpose the amount or amounts of any judgments against the said school district, and he shall pay other obligations as he may be directed from time to time by the board of trustees.

Secretary,
duty of.

SEC. 6. The board of trustees shall require the secretary to keep a record of its proceedings, and of the rules and by-laws that it may from time to time enact; and to do and transact all other business that shall be required of him by said board, for which labor he shall receive such compensation as the board of trustees shall determine upon by a vote at any regular meeting of the board.

Territory
detached.

SEC. 7. The territory described in section one of this act is hereby detached from the several school districts of the townships of Greenfield and Hamtramck in which it has heretofore been included, and it shall be the duty of the board of trustees of the district incorporated by this act, as soon after organization as possible to meet with the township boards of school inspectors of the townships of Greenfield and Hamtramck respectively, and apportion the property and debts and obligations of the several districts from which territory is hereby detached between such districts and the district herein incorporated. The board of trustees of the said public schools of Highland Park are hereby authorized to borrow a sum, by bonding said district for a sum not exceeding six thousand dollars for the purpose of purchasing a site or sites and erecting a school-house or school-houses thereon.

Authority to
borrow money.

Sites for school
houses.

SEC. 8. The qualified voters of said district shall have power when lawfully assembled, to designate by a vote of two-thirds of those present, any number of sites for school-houses, and to change the same by a similar vote at any regular meeting: *Provided*, That in case two-thirds cannot agree upon a site for such school-house, a majority of the voters present at such meeting shall have the power to instruct the school board to locate said site.

Proviso.

How suits may
be brought.

SEC. 9. Suits may be brought by or against the public schools of Highland Park on all contracts, obligations, debts, bonds or demands due and unpaid from or to said school district, by the process in force as to other corporations, and suits brought by the district shall be made under the direction and control of the board of trustees. Process may be served upon the said district by serving the president, secretary or treasurer or in such manner as the court may direct.

Board of
inspectors.

SEC. 10. At a meeting of the board of trustees next preceding any annual meeting it shall be the duty of said board to elect from its number three members of said board who shall constitute a board of inspectors for the purpose of conducting the annual election of trustees of said district, and all trustees

shall be elected by ballot as hereinafter prescribed. If any or all of the persons so appointed are absent or refuse to serve at the time fixed for opening the polls for said district the electors present shall appoint from their own number a sufficient number of inspectors to constitute a board of three members.

SEC. 11. The said board of inspectors shall, before opening the polls, appoint a suitable person to act as clerk of the election; the said clerk so elected shall take the constitutional oath of office, which oath either of said inspectors may administer. Clerk of election.

SEC. 12. Said board of inspectors shall provide a ballot box at the expense of the district and open the polls at such place within said district as the district board shall designate, giving public notice as required by law for the election of three trustees, whose terms of office shall be for two years, and until their successors shall have been elected and qualified. Said polls shall be opened at seven o'clock P. M., or as soon thereafter as may be on the day of annual school meeting, and shall continue open until nine thirty o'clock in the evening. Ballot box.
Opening and closing of polls.

SEC. 13. The qualification of electors and of persons holding office shall be the same as is or may be provided by the general school laws for school districts, and each person offering to vote shall deliver his or her ballot to one of the inspectors in presence of the board, who shall deposit the same in the ballot box. Qualifications of electors.

SEC. 14. If any person offering to vote at such election shall be challenged as unqualified by any legal voter of said district one of the inspectors shall declare to the person so challenged the qualifications of a voter, and if such person shall state that he or she is qualified, and the challenge shall not be withdrawn the said inspector shall tender to him or her an oath in substance as follows: "You do swear or affirm, that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, and that you are liable to pay a school district tax therein." Or he or she may take the following oath, to wit: "You do swear or affirm that you are twenty-one years of age and that for the past three months, you have been an actual resident of this school district, or residing upon territory now attached to this school district," and any person taking either of said oaths shall be permitted to vote at such election. In case of challenge.
Oath.

SEC. 15. If any person so challenged shall refuse to take such oath his or her ballot shall be rejected, and any person who shall willfully take a false oath, or make a false affirmation under the provisions of the preceding section, shall be deemed guilty of perjury. In case of refusal to take oath, etc.

SEC. 16. The clerk of the election shall keep a poll list, which shall contain the names of all electors voting at such election, and at the close of the polls the inspectors shall immediately proceed to canvass and ascertain the result of the election, which canvass shall be public, and the three found to have received the largest number of votes at such election shall be deemed duly elected trustees. Poll list.

Power to hold
real estate.

SEC. 17. The public schools of Highland Park aforesaid, shall have power to take, accept and hold any real or personal estate by gift, grant or devise, for any purpose connected with the schools of the said district, or for the benefit of said library, and said board of trustees shall use and appropriate the same for the purposes and uses mentioned in the instrument giving, granting or devising the same, and for no other purpose.

Library.

SEC. 18. Said library shall be and remain the property of the corporation created by said act, and shall be for the benefit of and open to all actual residents of said school district, under such rules, regulations and restrictions as the board shall from time to time make and ordain.

Reports of
trustees.

SEC. 19. All reports required by law shall be made by the board of trustees, and the said board shall receive the primary school and library moneys to which the district may at any time be entitled, in accordance with the laws governing fractional township school districts in such cases, so far as the same are applicable.

Repealing
clause.

SEC. 20. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 1, 1891.

[No. 313.]

AN ACT to amend sections one, two and four, and the title of act number three hundred and eighty-six of the local acts of one thousand eight hundred and eighty-five, entitled "An act to provide for the retirement of aged and disabled firemen and the payment of pensions to the wives and children of deceased firemen killed in the service of the city of Detroit," approve June sixteenth, one thousand eight hundred and eighty-five.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two and four, and the title of act number three hundred and eighty-six of the local acts, one thousand eight hundred and eighty-five, entitled "An act to provide for the retirement of aged and disabled firemen and the payment of pensions to the wives and children of deceased firemen killed in the service of the city of Detroit," approved June sixteenth, one thousand eight hundred and eighty-five, shall be amended so as to read as follows: An act to provide for the retirement of aged and disabled firemen and the payment of pensions to the widows, children and dependent mothers of deceased firemen killed in the service of the city of Detroit.

SECTION 1. Any person who has been a member of the Detroit fire department or employed by the fire commission of said city for a period of twenty-five years subsequent to October fourth, one thousand eight hundred and sixty, may be placed on the list of retired firemen on account of disability, by vote of said commission. Any person in the employ of said commission who may be hereafter totally disabled in the discharge of his duty as such fireman may in like manner be placed on the list of retired firemen, and all such retired firemen shall receive a sum equal to one-half of their annual salary paid them at the time of their retirement, annually thereafter, to be paid in equal monthly payments during the remainder of their natural lives, such moneys to be collected and paid in the manner hereinafter provided: *Provided*, That said commission may place on the list the names of two persons who became totally disabled in the employ of said commission prior to the passage of this act.

Retired and disabled firemen to receive half pay.

Proviso.

SEC. 2. In case any person in the employ of the fire commission of said city of Detroit shall be killed while in the discharge of his duty or shall receive injuries which result in his death within one year thereafter, the widow first, or children if there is no widow, and if such person shall leave no widow nor children, then the mother of such person, if dependent upon him for her support shall, by vote of the fire commission, be paid a pension. The widow or dependent mother shall receive the sum of three hundred dollars annually in equal monthly payments of twenty-five dollars each during the term of her natural life or until she re-marries, in which case all payments of moneys under this act to such widow or dependent mother shall cease. In case of the death of such widow the same amount shall be paid to such children as shall be under the age of sixteen years at the time of the death of said widow; the money to be equally divided among such children according to the number. In case such deceased person shall leave no widow, but one or more children, such child or children shall receive in equal proportion according to the number of such children, the same amount as would have been paid to the widow, such payments to be paid monthly as hereinbefore provided and to continue until such child or children shall attain the age of sixteen years respectively. In case of the death of one or more of the children their share of such pension shall be paid to the survivor, or survivors provided they are under the age of sixteen years. The money for the payment of such pensions shall be collected and paid in the manner hereinafter provided. It is provided that the said [commission] commissioner and controller may continue on the list the names of four widows whose husbands died from the effects of injuries received in the line of their duty prior to the passage of this act: *And provided further*, That the said commission and controller may continue on the list the names of four children whose father died from the effects of injuries received in the line of his duty prior to the

Pension.

Widow or dependent mother.

In what case to go to children.

In case of death of one or more of the children.

Further proviso.

passage of this act until such children shall attain the age of sixteen years respectively.

List of retired firemen.

SEC. 4. There shall be kept in the office of the fire commission by the secretary, a book to be known as the list of retired firemen; this book shall give a full and complete history and record of the action of the fire commission in retiring any and all persons under this act; such record to give the names, date of joining the department, date of retirement, and the reason therefor, of any and all persons retired. When the widow or children or dependent mother, or either of them shall be entitled to a pension as hereinafter provided such widow or children or dependent mother shall make application for a pension to the fire commission through the secretary of such commission, on a form to be provided by such commission. Accompanying such application shall be the proof of the marriage of the deceased to the widow claimant, such proof to be established by the marriage certificate or other competent evidence of the marriage relation. Proofs of the births of the children shall be shown by the certificate of the attending physician. The proof of the dependency of a mother shall be shown by the affidavit of such mother and two disinterested persons. All applications and proofs shall be retained in the custody of the fire commission. Whenever such applications for pensions are allowed by the fire commission, due notice of such action, with the names of all the pensioners, shall be given to the controller of the city of Detroit, who shall cause such persons to be registered in his office as pensioners of the fire department of the city of Detroit.

Application for pension.

Proof.

Proof of dependency of mother.

Notice to controller.

Repealing clause.

SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

Ordered to take immediate effect.

Approved May 5, 1891.

[No. 314.]

AN ACT to re-incorporate the village of Fenton, Genesee county, Michigan, and to repeal all inconsistent acts and parts of acts.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact, That all that tract of land situated in the township of Fenton, in the county of Genesee, State of Michigan, distinguished as the south half, and the south half of the north half of section twenty-five, the southeast quarter, and the south half of the northeast quarter, and the southeast quarter of the northwest*

quarter, and the east half of the southwest quarter of section twenty-six; the east half, and the east half of the west half of section thirty-five, and section thirty-six entire, of township number five north, of range number six east, be and the same is hereby constituted a village corporate, to be known by the name of "the village of Fenton."

SEC. 2. The inhabitants, residents within the boundaries Name, etc. aforesaid, are hereby declared to be a corporation, and shall hereafter be known in law by the corporate name of "the village of Fenton," and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity, and may make and use a common seal, and alter the same at pleasure, and shall also have power to purchase, hold, and convey such real and personal estate as the purposes of the corporation may require.

ARTICLE II.

OF THE OFFICERS OF SAID VILLAGE.

SECTION 1. The officers of said village shall be a president, omcers. six trustees, one clerk, one marshal, who shall also be the collector of taxes and assessments, and street commissioner, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

SECTION 1. The inhabitants of the village having the qualifications of electors under the constitution of this State, shall meet at such place in said village, on the second Monday in March, A. D. one thousand eight hundred and ninety-two, as the board of trustees of the village of Fenton may designate, and there proceed to elect one president, one treasurer, one assessor, one marshal, who shall also be the street commissioner of said village, who shall hold their offices for one year; Election of officers, when held. three trustees and one clerk, who shall hold their offices for two years, and the inspectors of such election shall certify thereto accordingly, immediately after the canvass shall be finished. Terms of office.

SEC. 2. Special elections may be appointed by resolution of the common council and held in and for the village, at such times and place or places as the common council shall designate, the purpose and object, of which shall be fully set forth in the resolution appointing such election. Special elections.

SEC. 3. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of election a notice signed by the clerk, specifying the officer or Council to notify inspectors of time and place.

officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors, and the day and places at which such election is to be held; and the proceedings and manner of holding the election shall be the same as at the annual village election.

Notice of to be
given by clerk.

SEC. 4. Notice of the time and place or places of holding any election and of the officers to be elected and the questions to be voted upon shall, except as may be herein otherwise provided, be given by the clerk, at least ten days before such election, by posting such notices in three public places in the village of Fenton; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Ballot boxes.

SEC. 5. The common council shall provide and cause to be kept by the clerk for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Opening and
closing of polls.

SEC. 6. On the day of elections held by virtue of this act, the polls shall be open in the several places designed by the common council at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls.

ARTICLE IV.

OF THE REGISTRATION OF ELECTORS OF SAID VILLAGE.

Board of
registration.

SECTION 1. The president, clerk and one of the three trustees having the shortest term to serve, shall constitute the village board of registration.

Clerk to provide
book, etc.

SEC. 2. The clerk shall provide a suitable bound book or register at the expense of said village, so made and arranged as to conform with the laws of this State, relating to the registration in the several townships thereof, to be kept by the village clerk.

Clerk to enter
names, etc.

SEC. 3. The clerk of said village shall at any time, except as provided for in this act, on demand, enter in alphabetical order, the name of any person entitled to vote in said village, under the provisions of this act, with the date of such registration and the residence of such person so demanding registration.

Meetings of
board, etc.

SEC. 4. On the last secular day next preceding the day for holding any regular or special election of said village, after the year one thousand eight hundred and ninety-one, the said board of registration shall be in session at the office of the clerk in said village, for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the then next approaching election, may be a qualified elector, and whose name is not already registered, to have his name

entered in the register, which shall be done by the clerk of said village, and after the close of said session, no name shall be registered until after the close of the polls at the election then next ensuing.

ARTICLE V.

OF ELECTIONS.

SECTION 1. The president, clerk and one of the three trustees whose term of office will first expire, shall constitute the election board.

SEC. 2. At any election held under and by virtue of the provisions of this act, and before the polls shall be opened, the clerk of said village shall cause the register of electors of the village of Fenton to be placed in the hands of the election board, to be used by them during such election, and returned to the clerk of said village immediately thereafter, and they shall not receive the vote of any person whose name is not written therein, unless he shows a legal excuse for such omission.

SEC. 3. The registration of electors provided for in this act shall be used only for elections for village purposes, and shall not be construed to interfere with the registration of electors, or the elections of the township of Fenton.

SEC. 4. At every election after the first, there shall be elected one president, one marshal, one assessor, and one treasurer, who shall severally hold their office for one year, and three trustees who shall severally hold their office for two years, and at every second election after the first, one clerk, who shall hold his office for two years.

SEC. 5. The term of office of all officers shall commence immediately after their election and qualification, and continue until the election and qualification of their successors.

SEC. 6. Elections [for] of officers shall be held on the second Monday in March in each year, at such places as shall be designated by the board of trustees.

SEC. 7. If an election of the officers of said village shall not be held on the day when pursuant to this act it should be held, the said corporation shall not, for that cause, be dissolved and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election.

SEC. 8. All elections held under the provisions of this act as to the reception and canvassing of votes and determining qualifications of electors, shall be conducted as nearly as may be in the manner provided by law for holding general elections in this State, except as herein otherwise provided, and the inspectors of such election shall have the same powers and authority for the preservation of order and for enforcing obedience to their lawful commands, during the time of holding

Ballots, etc.	<p>the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.</p> <p>SEC. 9. The electors shall vote by ballot, and the same ballot shall contain the names of persons designated as officers for the village. The ballots cast upon the question or proposition submitted to be voted upon shall be separate and be deposited in a separate box.</p>
Vacancies.	<p>SEC. 10. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of office, the term for which any person is voted shall be designated on the ballot.</p>
Duty of inspectors.	<p>SEC. 11. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written the name of each elector voting at such elections in two poll lists, to be kept by said inspectors of election or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors.</p>
Present officers to continue.	<p>SEC. 12. The officers in office in said village at the time of the passage of this act, shall continue to exercise the duties of their office until others are elected and qualified under the provisions of this act.</p>

ARTICLE VI.

OF THE QUALIFICATIONS OF OFFICERS.

Qualifications of officers.	<p>SECTION 1. The officers of said village, elected in pursuance of the provisions of this act or appointed as hereinafter provided for, shall be residents and legal voters of said village.</p>
Oath.	<p>SEC. 2. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, to be administered by the clerk of said village, or by any other officer authorized to administer oaths, to support the constitution of the United States, and of this State, and that he will faithfully discharge the duties of his office, according to the best of his ability, a record of which oath shall be made and kept by the clerk of said village.</p>
Bonds, etc.	<p>SEC. 3. The treasurer, marshal, and such other officer as the board of trustees may require so to do, shall each respectively and severally, before they enter upon the duties of their office, execute a bond to the "village of Fenton," in such sums and with such sureties as the board of trustees shall approve, conditioned that they will faithfully execute the duties of their office, and honestly and faithfully account for and pay over all moneys received by them, by virtue of such office, which bond, with the approval of the board of trustees indorsed thereon, certified by the clerk, shall be delivered to and filed with the clerk of said village.</p>

ARTICLE VII.

OF THE PRESIDENT OF SAID VILLAGE.

SECTION 1. The president shall be *ex officio* a member of the board of trustees, and have the powers and be subject to the like duties and responsibilities of a trustee. Power and duty of president.

SEC. 2. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings of the trustees whenever he shall deem it expedient, or it shall be demanded in writing for any specific purpose, by three of the trustees, or fifteen electors of said village. To preside at meetings, etc.

SEC. 3. The president shall preside at all elections held under and by virtue of this act. At elections.

SEC. 4. The president shall see that all the by-laws, rules, regulations and ordinances of said village are faithfully enforced, and prosecute, in the name of "the village of Fenton," all offenders against the same, and for all penalties and forfeitures [incurred] under the provisions of this act, or under any of the by-laws, rules, regulations or ordinances passed by virtue thereof. To see that laws are enforced.

SEC. 5. He shall receive and lay before the board of trustees the official reports of all officers who may be required to make such reports, and, in connection therewith, suggest the passage of such measures as in his judgment the necessities of the village may require. To receive and lay reports before council.

SEC. 6. He shall appoint, by and with the consent of the trustees, two or more firewardens, and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act: *Provided*, That no officer so appointed shall hold his office for a longer term than during the official term of the president so appointing him. To appoint marshal, etc.

SEC. 7. The president shall inspect and have the supervising control of the public property belonging to said village and see that the same is properly cared for and kept in order. To have control of public property.

ARTICLE VIII.

OF THE CLERK OF SAID VILLAGE.

SECTION 1. The clerk shall attend and act as such at all village elections in said village, and all meetings of the board of trustees, record their proceedings, file, preserve and keep all books and papers belonging to said corporation, appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of all by-laws, ordinances, rules, regulations, and notices, as the board of trustees shall direct. Duty of clerk.

SEC. 2. The clerk shall keep a poll list of every election held under this act, and notify all persons of their election or appointment to office within five days thereafter. To keep poll list.

To give notice of elections.

Books, etc., to be open for inspection, etc.

In case of absence.

SEC. 3. The clerk shall give at least ten days' notice of the time and place of holding elections under this act.

SEC. 4. The books and papers in the office of said clerk shall at all times, on demand, be produced for inspection to all electors and taxable inhabitants of said village; and upon demand, and tender of fees at the rate of ten cents per folio therefor, he shall make and furnish a copy certified by him as such clerk; copies of all papers duly filed in his office, and transcript from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, in like manner as if the original were produced.

SEC. 5. In case of the absence of the clerk from any of the meetings of elections at which he is required to officiate, his duty upon such [occasions] occasion shall be performed by such person as the board of trustees shall for the time designate.

ARTICLE IX.

OF THE MARSHAL OF SAID VILLAGE.

Duty of marshal.

SECTION 1. The marshal shall have the general supervision of the village, and see that all by-laws, rules, regulations and ordinances passed by the board of trustees of said village according to the provisions of this act, are enforced.

Chief of police.

SEC. 2. He shall be *ex officio* constable and chief of police, with powers belonging to the constables of any township of this State, having power to enter into any disorderly or gaming house, or dwelling-house, or other building where he may have good reason to believe a felon is secreted or harbored, and where any person who has committed a breach of the peace may be, or where any felony or breach of the peace is being committed; to arrest disorderly persons or felons, and those engaged in disorderly assemblages, and take them before any justice of the peace in the township of Fenton, who shall hear, try and determine the matter: *Provided*, That nothing in this act shall be construed into his serving process in civil cases.

Proviso.

SEC. 3. He shall have the power to compel the citizens to aid in extinguishing fires.

To compel assistance at fires.
Collector of taxes.

SEC. 4. The marshal shall be the collector of taxes in said village, and shall have full power to collect the same, as provided for in article twenty-two of this act.

Subject to control of president, etc.

SEC. 5. The marshal shall at all times be subject to the supervision and control of the president and trustees, and shall, whenever directed by the board of trustees, make complaint in writing, and on oath, before any justice of the peace for the township of Fenton, for any violation of the by-laws, rules, regulations, or ordinances of said village passed by virtue of the provisions of this act, whenever the violation complained of shall have been done in view of said marshal.

Reports to trustees.

SEC. 6. He shall report, in writing, to the board of trustees from time to time, as he may be required by resolution of the

board of trustees, his acts and doings, by virtue of his office, which report shall be filed with the clerk of the village.

SEC. 7. The marshal may be removed from office for any Removal, etc. refusal or neglect to comply with any lawful order or direction of the board of trustees, or for gross neglect in the discharge of his official duties; but the cause of such refusal shall in all cases be spread at large upon the records of the village.

SEC. 8. The marshal shall also perform the duties of street Street commis- commissioner under the directions of the board of trustees. sioner.

ARTICLE X.

OF THE TREASURER OF SAID VILLAGE.

SECTION 1. The treasurer shall receive all moneys belong- Duty of treas- ing to said corporation, and disburse the same under the urer. direction of the board of trustees.

SEC. 2. He shall make and keep a correct record and account To keep account of all such receipts and disbursements, and at the last regular of receipts and meeting of the board of trustees prior to the annual election, expenditures. and at any other time when called upon by a resolution of the board of trustees so to do, shall present to said board a report, in writing, of all items of receipts and disbursements, with a statement of the debts, dues and demands of said corporation.

SEC. 3. The treasurer shall not pay any money on account To pay money on of said board, except upon a resolution of the board of trustees, order of and on an order signed by the president and countersigned by president, the clerk.

SEC. 4. The treasurer shall receive the sum of fifty dollars Salary. per annum, in full, for his services as such treasurer.

ARTICLE XI.

OF THE ASSESSOR OF SAID VILLAGE.

SECTION 1. It shall be the duty of the assessor once in each Duty of assessor. year to make an assessment roll containing a description of all real and personal property in said village liable to taxation, and the name of the owner or occupant or agent thereof, if known, and shall set down in such roll, the valuation of such property at its fair cash value, as provided for in article twenty-two of this act, and to perform such other services as are provided for in said article.

ARTICLE XII.

OF THE COMPENSATION OF OFFICERS.

SECTION 1. The president and trustees shall each receive Compensation. as compensation for attendance at the regular meetings of the board of trustees, the sum of twenty-five cents for each meeting.

Idem.

SEC. 2. The officers of said village except the treasurer shall receive such compensation as the board of trustees shall by resolution direct.

RESIGNATIONS AND VACANCIES.

Registration.

SECTION 1. Resignations of officers shall be made to the common council subject to its approval and acceptance.

When office vacant.

SEC. 2. If any officer shall cease to be a resident of the village, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

Idem.

SEC. 3. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the common council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Vacancies, how filled.

SEC. 4. A vacancy in the office of president or of any trustee occurring more than ninety days before an annual village election shall be filled by a special election. A vacancy in the office of any trustee occurring within ninety days before an annual election shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment, as in this act provided, within twenty days after the vacancy occurs, or if the vacancy be in an elective office it may be filled by an election or an appointment in the discretion of the common council.

Resignation, etc., not to relieve sureties.

SEC. 5. The resignation or removal of an officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

To deliver books, etc., to successor, etc.

SEC. 6. Whenever an officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office, all the books, papers, moneys and effects in his custody as such officer and in any manner appertaining to his office, and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State, now or hereafter in force and applicable thereto, and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of this State.

ARTICLE XIII.

OF THE PRIVATE LANDS TAKEN FOR PUBLIC PURPOSES.

Taking private lands for public use.

SECTION 1. Whenever the lands of any person shall be required by the board of trustees for any of the purposes named in this section, within the limits of said village, the

board of trustees shall give notice in writing thereof, by personal service, or by written notices posted up in three of the most public places in said village, to the owner or parties interested in said lands, his, her or their legal representatives, at least three weeks next preceding the meeting of the said board of trustees of the intention of the said board of trustees to take such lands for the purpose aforesaid, they having found the same necessary for the benefit of the public, and after publication or service of such notice, the board of trustees are authorized to treat with the owner or parties interested in said lands, his, her, or their legal representatives; and if at the expiration of the time limited as aforesaid for the publication or service of notice, the parties cannot agree therefor, it shall and may be lawful for the board of trustees to direct any justice of the peace of the township of Fenton to issue a *verier facias*, to command the marshal of said village, or any constable of the county of Genesee, to summon and return a jury of twelve disinterested freeholders of said township of Fenton, to appear before said justice at a time therein stated, to inquire into the necessity of using such grounds or premises for the purposes of said village, and the just compensation to be paid therefor to the owner or owners, his, her, or their legal representatives, which jury, being first duly sworn by the said justice, faithfully and impartially to inquire into the necessity of using such grounds or premises, and the just compensation to be made therefor, and having viewed the premises, if necessary, shall inquire of such necessity, and assess such damages and compensation as they shall judge right and proper to be awarded to the owner of, or parties interested, his, her, or their legal representatives therefor, for their respective damage, according to the several interests or estates therein, and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and such sum or sums so assessed, together with the costs, shall be paid or legally tendered, before such land, ground, or premises shall be taken for the use of said village, to the person or persons, his, her, or their legal representatives, in whose favor the said judgment shall be rendered; it shall thereupon be lawful for the board of trustees, to cause the said land, ground, or premises, to be occupied and used for the purposes as aforesaid: *Provided*, That the board of trustees, or any party or parties claiming damages, as aforesaid, may have the right to remove such proceeding by appeal to the circuit court for the county of Genesee, upon giving notice of his, her, or their intention so to do, to said justice, in writing, within ten days; or, in case of absence of said party or parties from said village at the time of the rendition of said judgment, then within thirty days after the verdict of said jury and the judgment of said justice, as aforesaid; and upon filing the transcript of the proceedings, aforesaid, duly certified by said justice, within forty days after the verdict and judgment, as aforesaid, in the circuit court for

Owners to
receive written
notice.

If board and
owner cannot
agree, jury may
be summoned.

Jury to assess
damages and
compensation.

Proviso as to
appeal to circuit
court.

Proviso.

the county of Genesee, the same proceedings shall thereupon be had as is prescribed by law in other cases of appeal: *Provided*, That if final judgment for damages in said circuit court shall be at least ten dollars more favorable to the party appealing than the judgment appealed from, then the party appealing shall pay costs occasioned by such appeal.

ARTICLE XIV.

OF PUBLICATION.

Publication to be in newspapers, etc.

SECTION 1. Whenever publication shall be required, by virtue of the provisions of this act, and not herein otherwise provided for, it shall be construed to mean publication in one or more of the newspapers [or] of said village, if any such shall be published therein, and if not, then by posting up in at least three of the most public places in said village.

Affidavits prima facie evidence, etc.

SEC. 2. An affidavit of the publisher of the newspaper, when publication is made in said paper, or the clerk of said village, when publication is made by posting up, as provided for in this act, of notice of tax sale, or passage of any by-law, rule, regulation, or ordinance of said village, or of any other notice required to be published by virtue of the provisions of this act, shall be *prima facie* evidence of such publication.

ARTICLE XV.

OF ANNUAL STATEMENT OF BOARD OF TRUSTEES.

Board to audit and settle accounts.

To make annual statement of receipts and expenditures.

Statement to be published.

SECTION 1. The board of trustees shall, at the expiration of each year, audit and settle the accounts of the treasurer, and the accounts of all the other officers and persons having claims against the village or accounts with it, and shall make out a statement, in detail, of the receipts and expenditures of the corporation during the preceding year, in which statement shall be clearly and distinctly specified the several items of expenditure made by the board of trustees, the objects and purposes for which the same were made, and the amount of money expended under each, the amount raised for the general contingent expenses, the amount of highway taxes, and assessments for opening, paving, planking, repairing and altering streets, and building and repairing bridges, the amount borrowed on the credit of the village, and the terms on which the same was obtained, and such other information as shall be necessary to a full understanding of the financial concerns of the village, together with the estimated receipts and disbursements for the ensuing year.

SEC. 2. The said statement shall be signed by the president and clerk of the said village, and filed with the papers in the clerk's office; the same shall also be published by the clerk, at the expense of the village, in some newspaper printed in said village, to be designated by the board of trustees.

ARTICLE XVI.

OF DEPUTIES.

SECTION 1. The board of trustees shall have power to appoint one or more deputy marshal, who shall be under the same restraints, exercise the same [powers] power, and be bound by the same responsibilities as the marshal.

Board may
appoint deputy
marshal.

ARTICLE XVII.

OF MONEYS COLLECTED BY THE MARSHAL.

SECTION 1. The marshal shall pay all moneys collected by him by virtue of his office, except as herein otherwise provided for, within twenty days after receiving the same, to the treasurer of said village.

Moneys to be
paid treasurer.

SEC. 2. The treasurer of said village shall give a receipt in writing, signed by him as such treasurer, to the marshal, or other person paying money to him on account of said village, acknowledging the receipt of the same.

Treasurer to give
receipts.

ARTICLE XVIII.

OF HIGHWAYS.

SECTION 1. The said village shall be exempt from the superintendence and control of the commissioners of highways of the township of Fenton, except as to the bridges therein.

Exempt from
control of high-
way commis-
sioner.

ARTICLE XIX.

OF PRIVILEGES TO FIREMEN.

SECTION 1. Each member of the fire department, or an engine, hook and ladder, bucket or hose company, duly organized by the board of trustees, shall be exempt from poll-tax, and shall also be excused from serving on jury.

Firemen exempt
from poll tax
and jury duty.

ARTICLE XX.

OF FORMER VILLAGE ACTS.

SECTION 1. The existing by-laws, rules, regulations and ordinances of said village, when not inconsistent with the provisions of this act, shall be and continue in force and effect until the same shall be repealed or amended by the board of trustees.

Former acts to
remain in force.

SEC. 2. All former acts relating to the village of Fenton, inconsistent herewith, are hereby repealed; but such repeal shall not effect any act, claim or right secured or established, or any suit, proceedings or prosecution had or commenced prior

Prior claims,
etc., to remain
valid.

to the time when such repeal shall take effect, but every such act, claim, right or proceeding, shall remain as valid and effectual as if said act had remained in force.

Present officers
to continue in
office, etc.

SEC. 3. The present officers of the village of Fenton shall continue to discharge the several duties of their respective offices according to the provisions of this act, until an election of officers shall have taken place under this act, and said officers so elected shall have been qualified, respectively and no failure to elect, under this act, shall be deemed to work a forfeiture of the corporation hereby created, and all assessments, fines and taxes, special and general, legally assessed, that are now in the hands of the marshal for enforcement and collection, may be enforced and collected under and by virtue of the laws, ordinances and rules of said village, under and by virtue of which the same were imposed, assessed and levied.

Compilation, etc.,
of by-laws, etc.

SEC. 4. That the board of trustees of the village of Fenton are hereby empowered to compile, revise, and amend the by-laws and ordinances now in force in said village of Fenton; and said by-laws and ordinances when so compiled, revised, and amended, shall be published in pamphlet form, with an index, to the number of one thousand copies, and said copies of the said revised and amended by-laws and ordinances, when so printed, shall be left with the clerk of said village for gratuitous distribution to any resident of said village, and the publication of said compiled, revised and amended by-laws and ordinances of said village shall be deemed a legal publication of the same in lieu of the publication required by the charter of said village: *Provided*, That all the by-laws and ordinances which shall be passed by said board of trustees after said by-laws and ordinances shall have been compiled, revised and amended, and published in pamphlet form, shall be published as required by the charter of said village.

Proviso.

Fines, etc., how
applied.

SEC. 5. All moneys received from fines or penalties collected for violation of any of the ordinances or by-laws of said village, or offenses committed in said village, shall be paid over to the treasurer of said village, and be applied to meet the general expenses of said village.

ARTICLE XXI.

OF THE GENESEE COUNTY JAIL.

Village to have
use of jail.

SECTION 1. The corporation shall be allowed the use of the common jail of the county of Genesee for the imprisonment of any person liable to imprisonment under the provisions of this act, or of any by-laws, rules, regulations, or ordinances passed by virtue thereof; and all persons so committed to said jail shall be under charge of the sheriff, as in other cases.

ARTICLE XXII.

FINANCE AND TAXATION.

Fiscal year.

SECTION 1. The fiscal year of the village of Fenton shall

commence on the first Monday of March, in each year, unless otherwise provided by ordinance.

SEC. 2. The board of trustees shall have authority, within the limitations herein described, to raise annually, by taxation within the corporation, but not including poll-tax otherwise provided for in section five, such sums of money as may be necessary to defray the expenses and pay the liabilities of the village and to carry into effect the powers in this act granted.

SEC. 3. The revenues raised by general tax upon all the property in the village, or by loan to be repaid by such tax, shall be divided into the following general funds:

First, Contingent fund, to defray the contingent and other expenses of the village, including salaries and fees of officers, for the payment of which from some other fund no provision is made;

Second, Expense fund, to defray the expenses of purchasing fire apparatus, and all other expenses necessary to maintain the fire department of the village; to defray the expenses of opening, widening, [extending,] altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling, lighting and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the village, and for the construction and repair of sidewalks and crosswalks, and for the care thereof; to defray the expenses of sewers, drains, ditches and drainage, and the improvement of water-courses; for the maintenance of the water department and providing supplies of water; for providing for public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such public building, lock-up, hall, offices, as the board of trustees is authorized to erect and maintain, and not herein otherwise provided for; for the maintenance of the marshal of the village, and to defray the expenses of the arrest and punishment of those violating the ordinances of the village;

Third, Interest and sinking fund, for the payment of the public debt of the village and the interest thereon;

Fourth, Such other general funds as the board of trustees from time to time may constitute;

Fifth, Revenues and moneys raised by taxation in special cases shall constitute a fund to be known as the special assessment funds. Any money raised by special assessment, levied in any special district to defray the expenses of any work, paving, improvement or repairs, or drainage and sewerage therein, shall constitute a special fund for the purpose for which it was raised.

SEC. 4. The aggregate amount which the board of trustees may raise by general taxation upon the taxable real and personal property of the village of Fenton, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general sums mentioned in section three of this title are constituted, exclusive of the poll-tax as provided in section five shall not, except

Authority to levy taxes.

Revenues, how divided.

Contingent fund.

Expense fund.

Interest and sinking fund.

Other general funds.

Special assessment funds.

Limit of taxation.

as herein otherwise provided, exceed in any one year two per cent on the assessed value of all the real and personal property in the village made taxable by law, as shown by the last preceding assessment roll.

Poll tax.

SEC. 5. The board of trustees shall have power to levy, and cause to be collected in each and every year, a poll-tax of one dollar upon every male inhabitant of said village of the age of twenty-one years and upwards, and not exceeding sixty years, except paupers, idiots, lunatics, and others exempted by laws of this State, and all moneys collected by virtue of this section shall be used and considered as a part of the contingent fund.

Special assessments.

SEC. 6. In addition to the above amounts, the board of trustees may raise by special assessment in special assessment districts for the purpose of constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits, and for all other purposes for which special assessment funds are constituted, such sums as it shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the special assessment district as the case may be, as shown by the last assessment roll of the village.

Limit of.

Interest and sinking fund, limit of taxation for.

SEC. 7. The board of trustees may also raise such further sum annually, not exceeding one per cent on the dollar of the assessed valuation of the property in the village, as shown by the last preceding assessment roll of said village, as may be necessary to provide an interest and sinking fund to pay the funded debts of the village and the interest thereon.

Annual estimates, etc.

SEC. 8. It shall be the duty of the board of trustees to cause estimates to be made in the month of April in each year, of all the expenditures which will be required to be made from the several general funds of the village during the next fiscal year, for the payment of interest and debts to fall due, for buildings to be erected or repaired, and for the paving of streets and the repairs thereof, the construction of sewers, making improvements and for the support of the marshal and the fire department and for defraying the current expenses of the year, and for every other purpose for which money will be required to be paid from any and of the several funds during such fiscal year.

Trustees to determine amount required for deficiencies.

SEC. 9. The board of trustees shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessment which it may require to be levied or re-assessed in the next general assessment roll of the village upon the lands in any special assessment district, or upon any parcel of land or against any particular person as a special assessment.

To provide for and appropriate general funds, etc.

SEC. 10. The board of trustees shall also in said month of April pass a resolution, in which it shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next

fiscal year, payable from the several general funds; and order the same or so much of said amounts as may be necessary to be raised by tax with the next general tax levy, or by loan or both, and to be paid into the several general funds; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the village is authorized by this act to raise by loan or general tax during the year. The board of trustees shall specify in such resolution the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose and to each of the general funds. The board of trustees shall also designate in the resolution the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which it may require to be levied or re-assessed with the next general tax, as provided in this act, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which it may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

What resolution to specify.

SEC. 11. All sums ordered in the resolution in any year to be raised for the several general funds, and all sums ordered in said resolution to be levied or re-assessed as special assessments shall be certified at the same time to the assessor of said village as in this act provided, and all such sums shall be levied by the assessor and collected by the marshal, as provided for in this act.

To be certified to assessor, etc.

SEC. 12. After the passage of the resolution no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any fund during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors of the village, voting upon the proposition at the next annual village election or at any special election called for that purpose; but this section shall not prohibit the board of trustees from making any necessary repairs or expenditures at a cost not exceeding five hundred dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and for loaning the money therefor.

Further liabilities to be approved by electors.

In case of accident or casualty.

SEC. 13. No improvement, work, repairs or expense, to be paid for out of any general fund, except as herein otherwise provided, shall be ordered, or contracted for or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual resolution; nor shall any expenditure be made, or liability be incurred in any such year for any such work, improvement, repairs or for any purpose exceeding the appropriation so made therefor, nor shall any expenditure be made, or money be paid out of any general fund, for any purpose, unless appropriated for that purpose in said bill: *Provided*, That nothing in this section

No improvement, etc., to be made, etc., unless appropriation has been made therefor.

Proviso.

contained shall be construed to hinder, delay or prevent the levying of special assessments within the limitations prescribed in section six of this title and in accordance with the provisions of this act.

Work, etc., not
to be commenced
until assessment
is levied, etc.

SEC. 14. No public work, improvement, or expenditure, shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense therefor, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied.

Authority to
make loan, etc.

SEC. 15. The board of trustees shall also have authority to raise money by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvements, for which the assessment was levied, and interest may be added thereto as a part of the cost of the improvement. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Limit of.

May borrow
money and, issue
bonds, etc.

SEC. 16. Should any greater amount be required in any year for the purpose of erecting a station house, or engine house, purchasing a fire-engine, putting in water-works, or any other necessary improvements in said village, the board of trustees may borrow money at a rate of interest not exceeding seven per cent per annum, and issue the bonds of the village therefor, signed by the president and clerk; but no money shall be borrowed for a longer period than twenty years, nor shall the sum of any and all indebtedness for money thus borrowed by the board of trustees ever exceed the sum of fifty thousand dollars at any one time, nor shall said board of trustees borrow money for the purpose hereinbefore specified, unless the question of making such loan shall be first submitted to and authorized by a two-thirds vote of the electors of said village at some annual or special meeting for that purpose, held in the same manner that other special elections are called under this act, but before any such loan of money shall be authorized by a two-thirds vote of the electors of said village, written or printed notices shall be posted by the clerk in at least five of the most public places in said village, for a period of not less than ten days next preceding such election specifying the object or objects for which money is proposed to be borrowed. The board of trustees may also, by resolution or ordinance, provide the manner of voting on the question of borrowing money. The board of trustees may also, by resolution or ordinance, authorize the president of said village to borrow any sum of money not exceeding the sum of one thousand dollars, to be used in defraying the contingent expenses of said village, and may give promissory notes of said village, signed by the president and clerk, at a rate of interest not exceeding seven per cent per annum: *Provided*, That no more than one per cent on the assessed valuation of the taxable property of said village shall ever be levied or collected in any year as a special tax for the purpose of paying any such bonds or liquidating any such indebtedness, or for any and all purposes whatever.

To be submitted
to electors.

When village
notes may be
given for bor-
rowed money.

Proviso.

SEC. 17. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the board of trustees, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor and whether by tax or loan. Such ordinance or resolution, after having been adopted by the board of trustees, shall be published in one of the newspapers of the village, and copies thereof posted in five of the most public places in the village, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

How proposition to be submitted to vote of electors.

Resolution to be published.

SEC. 18. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other, nor shall the moneys belonging to one fund be transferred to any other fund or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such a case the surplus may be transferred to the sinking fund should there be a deficiency in that fund, otherwise the board of trustees may apply such surplus as it shall deem proper. But whenever there shall, from any unforeseen cause be a deficiency in the expense fund, the board of trustees may transfer from the contingent fund to supply the deficiency thus existing. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

Moneys how applied, etc.

In case of deficiency in expense fund.

SEC. 19. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the board of trustees, and upon the warrant signed by the president and countersigned by the clerk, or in case of a vacancy in the office of president or in the absence of the clerk from the village, by the president *pro tem*. Such warrant shall specify the fund from which it is payable and shall be paid from no other fund.

How moneys drawn from treasury.

SEC. 20. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted, nor when the liabilities outstanding and previously incurred and payable from such fund are sufficient to exhaust it.

Warrants not to be drawn when fund is exhausted.

SEC. 21. No loan shall be made by the board of trustees by its authority in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds or other obligations of the village may be issued, bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds or other obligations issued, and when due, shall be kept by the clerk. When deemed necessary by the board of trustees to extend the time of payment, new bonds or obligations may be issued in place of former bonds or obligations falling due, in such manner as merely to change, but not to increase the indebtedness of the village.

Loans, limit of, etc.

Record of bonds, etc., to be kept, etc.
When new bonds may be issued.

SEC. 22. Immediately upon the close of the fiscal year the board of trustees shall audit and settle the accounts of the village treasurer and other officers of the village, and the accounts also, as far as practicable, of all persons having claims against the village or accounts with it not previously audited, and shall

Trustees to audit, etc., accounts, etc.

Statement of
receipts and ex-
penditures.

make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund, the amount levied by special assessments, and the amount collected on each, and the amount of money borrowed and upon what time and terms and for what purpose; also the items and amounts received from all other sources during the year and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the village and to whom payable, and with what rate of interest, and such other information as shall be necessary to a full understanding of all the financial concerns of the village.

To be filed and
published.

SEC. 23. Said statement, signed by the president and clerk, shall be filed in the office of the clerk, and a copy thereof published in one of the newspapers of the village at least five days previous to the next annual village election.

Unlawful con-
version of money,
etc.

SEC. 24. If any officer of the corporation shall directly or indirectly appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof to his own use, or shall directly or indirectly and knowingly appropriate or convert the same to any other purposes than that for which said moneys securities, evidences of value or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction may be punished by a fine not exceeding one thousand dollars, or by imprisonment in the State Prison for a period not exceeding three years, or both, in the discretion of the court.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Assessor to make
roll.

SEC. 25. The assessor of the village of Fenton shall once in each year make and complete an assessment roll containing a description of all the real and personal property within the village of Fenton, liable to taxation under the laws of this State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property in the townships of this State, and in so doing he shall conform to the provisions of the law covering the actions of supervisors of townships, performing like services, and in all like services, unless otherwise in this act provided, conform to the provisions of law applicable to the actions and duties of supervisors in townships in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof, which said assessment roll shall be completed by said assessor on or before the second Monday in May in each year. In the matter of the assessment of property the levying of taxes and the collection thereof, the village of Fenton, except as in this act otherwise provided, shall be con-

When roll to be
completed.

sidered and treated as a township under the provisions of the general laws of this State.

SEC. 26. The several general funds mentioned in section three of this act, shall be assessed in the aggregate under the head of "village taxes" and in a separate column so headed, except interest and sinking fund, which shall be assessed separately, and shall be placed in a separate column so headed. The special funds mentioned in section three of this act, shall be assessed under the head of "special village taxes," and in a separate column so headed; all special assessments shall be assessed separately and in a column headed, "special assessments." In all other respects, except as in this act otherwise provided, the assessment roll shall be made in accordance with the provisions of the general law of this State.

Funds to be placed in separate columns, etc.

SEC. 27. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice, by posting in at least six public places in said village, that beginning on a certain day and for five successive days thereafter, exclusive of Sundays, from nine A. M. to four P. M. at a certain place in said village he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Notice of review of roll.

SEC. 28. The assessor, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment; and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll as shall appear to him to be just and proper; and may of his own motion or on sufficient cause being shown by any person add to said roll the names of persons, the value of personal property and the description and value of real property liable to assessment in said village, omitted from said assessment roll, or strike therefrom property improperly assessed thereon. He shall correct all errors in the names of persons, in the description of all property upon such roll and in the assessment and valuation of property thereon, at the request of any person whose property is assessed thereon or of the agent and on sufficient cause being shown he shall correct the assessment as to such property in such manner as in his judgment will make the valuation thereof relatively just and equal, and he shall do or cause to be done whatever else may be necessary to make said roll comply with the provisions of this act and of the general tax law of this State. It shall be the duty of said assessor to attach his certificate to said assessment roll, showing that the same has been duly revised and corrected, and said roll, or any new roll that may have been made by him shall be and remain the assessment roll of said village for the purposes mentioned in this act. The determination and decision of said assessor as to all matters submitted to him under the provisions of this act, and of the general tax law of this State, shall be final and conclusive, and shall not be sub-

Assessor to receive complaints, correct roll, etc.

To attach certificate, etc.

Powers and
duties of assess-
or.

ject to review by any court. Said assessor shall also have the same powers and perform like duties as are granted to and imposed upon boards of review in townships under the general tax law of this State, not inconsistent with the provisions of this act.

To deliver certi-
fied copy of roll
to trustees.

SEC. 29. When the assessor shall have reviewed and corrected the assessment roll of said village, and attached his certificate thereto, as in the last preceding section provided, the assessor shall, within thirty days thereafter, deliver a certified copy of his assessment roll to the board of trustees of said village.

Trustees to cer-
tify roll back to
trustees.

SEC. 30. The board of trustees shall, on or before the second Monday in May in each year, after an examination of said assessment roll, certify the same back to the assessor, with the amount of general and special tax to be raised, together with a particular description of the lots, and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in this act, which said certificate, indorsed on said assessment roll, shall be signed by the president and clerk of said village.

OF THE APPORTIONMENT OF TAXES.

Assessor to ap-
portion taxes,
etc.

SEC. 31. The assessor of said village shall, after receiving the assessment roll, with the amount to be raised thereon, as provided for in the preceding section, proceed to estimate, apportion, and set down, in two separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respective sums, in dollars and cents, as a general and special tax thereon; also in a third column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots, as an assessment for special work done under or for the other purpose specified in sections four and five of article six of this act, to be paid by the owner or owners, or parties interested in such real estate and personal estates; and shall also set down in a fourth column on said assessment roll, one dollar opposite the name of every person liable to pay a poll-tax in said village.

Roll to be de-
livered to
marshal.

SEC. 32. Immediately after apportioning the tax as provided for in the preceding section, and on or before the tenth day of June in such year, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto under the hand of said assessor, directing and requiring him to collect of the several persons named in said roll, the several sums mentioned therein opposite their respective names, as a tax or assessment, and authorizing him in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her, or their goods and chattels, together with the costs and charges of such distress and sale, and direct-

Marshal to col-
lect taxes.

Distress and sale
of property.

ing him to pay such sums, when collected, to the treasurer of said village, by a certain day therein named, not more than four days from the date of said warrant. The assessor may make a new roll and warrant in case of the loss of the one given the marshal. The copy of the roll with the warrant annexed shall be known as the "tax roll."

SEC. 33. Whenever any special tax shall be voted to be raised as provided for in this act, the apportionment of the same shall be based on the assessed value of the real and personal estates, as set down in the annual assessment roll. Special tax.

SEC. 34. All taxes shall be collected before the first day of July of each year, unless the time for collection is extended. The board of trustees may extend such time not to exceed one month; when such an extension is made the village clerk shall immediately notify the marshal thereof. In the case of an extension the warrant annexed to the tax roll shall continue in force during the time of the extension, and the bond of the marshal shall not be invalidated by any such extension; but the marshal shall pay over to the village treasurer all moneys collected before the extension shall be valid. Time for collection of taxes.
Clerk to notify marshal of extension of time.

OF THE COLLECTION OF TAXES.

SEC. 35. The marshal of said village on receiving said assessment roll with the warrant of the assessor thereunto annexed shall proceed to collect such taxes as proportioned in said roll and according to the provision of said warrant, and as provided in this act. He shall remain in the office of the board of trustees in said village on every afternoon from the fifteenth day of June to the first day of July of each year, exclusive of Sundays, from one o'clock to four o'clock, and receive taxes: *Provided*, That he may receive taxes at any other time and place during said time when they may be offered, and upon the sums remaining unpaid upon the first day of July of each year he shall add five per cent as penalty, which he shall collect in addition to the taxes assessed. In case he is justly apprehensive of the loss of any personal tax after said fifteenth day of June of each year, he may take steps to enforce its collection at any time, and if compelled to seize property or bring suit, he may add five per cent for collection fees. Duty of marshal on receiving roll.
Proviso.

SEC. 36. For the purpose of collecting the taxes remaining unpaid on the first of July of each year, the marshal shall during that month, personally call upon the persons liable to pay such taxes, if a resident of the village, or at his usual place of business or place of residence therein and demand the payment of the taxes and penalties charged against him. If the person is not a resident of the village but resides within the county and his residence is known by the marshal he shall make such demand either personally or by mail. If demand is sent by mail the amount of taxes and penalty shall be stated and the place and time where and when it may be paid. He Marshal to make personal call for taxes.
Non-residents may be notified by mail.

shall give a receipt for every tax paid and shall enter the value of the payment and date thereof upon his tax roll.

Distress and sale,
when authorized,
etc.

SEC. 37. If any person shall neglect or refuse to pay any tax assessed to him, on or before September first of each year, the marshal shall proceed to collect the same by seizing the personal property of such person to an amount sufficient to pay such tax, penalty, fees and charges for subsequent sale, wherever the same may be found in the county, from which seizure no property shall be exempt. He may sell property seized to an amount sufficient to pay such tax, and all charges, in the township where seized, or in the village of which he is marshal, at public auction, on giving public notice of the same at least five days previous to the sale, by posting written or printed notices in three public places in the township or place where the sale is to be made, which sale may be adjourned from time to time if he shall deem the same necessary. If it becomes necessary to sell personal property which brings more than the amount of taxes and charges, the balance shall be returned to the person from whose possession the property was taken, except as hereinafter provided. If the property so distrained cannot be sold for the want of bidders, the marshal shall return a statement of the fact to the village treasurer, and such tax shall be returned as unpaid. The marshal, if otherwise unable to collect a tax on personal property, may sue the person to whom it is assessed, in the name of the village, and garnishee any debtor or debtors of such person. The tax roll shall be *prima facie* evidence of the debt sought to be recovered.

Marshal may
sell property for
tax.

May sue person
to whom assessed
for tax.

Fees, etc., on
distress and sale,
etc.

SEC. 38. In case of a distress and sale of goods and chattels for the payment of any tax, the marshal or other collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax and penalty as his fees for making such sale, which fees and percentage hereinbefore provided shall be in full for his services in collecting such taxes; and in case payment of such tax shall be made after the distress and before the sale, it shall be lawful for such marshal or collecting officer to require the payment of one dollar and twenty-five cents as his fee for making such distress, and to enforce payment of the same, if need be, by making sale, notwithstanding the tax and penalty shall have been paid. And whenever any personal property having been assessed to any person in the village shall be removed therefrom before the taxes assessed thereon shall be collected, and there being no other personal property sufficient in said village whereon the marshal or other collecting officer can levy and collect said taxes, he shall have full power, and it shall be his duty, to make a statement, duly certified by him to be correct and true, showing that personal property has been assessed to such person, naming him, the valuation thereof, the various taxes thereon, and the total thereof, as appears from the roll in the hands of such marshal, and that such property has been removed from such village since the assessment, and that the tax has not been paid; which statement shall be witnessed and acknowledged in the same

Marshal to make
statement of
removal of prop-
erty assessed.

Statement to be
witnessed and
acknowledged.

manner as deeds of real estate are acknowledged, and shall be received in all courts and other places as evidence of the facts therein contained, without proof of its execution, and shall be *prima facie* evidence of the validity of the tax therein named against the person therein named, and shall be full and ample authority to the treasurer or other tax collector to whom it shall be sent to levy and collect the same in the manner as other personal taxes are collected by him when spread upon his own roll. Such statement may be sent to the treasurer of the township or village, or other collecting officer of any township or village within this State where the person against whom such assessment was made may have property, and the township treasurer or other collecting officer to whom such statement shall have been transmitted, shall, upon the receipt of the same, proceed to collect said taxes out of any property belonging to the owner of such property, so taxed as aforesaid, within his jurisdiction liable to be seized for taxes, together with double collection fees therefor, and the further sum of twenty-five cents to defray the expenses of transmitting the taxes so collected as hereinafter provided, and shall give his receipt therefor. The said marshal, or other collecting officer, shall thereupon transmit the taxes, and one-half of the collection fees as aforesaid collected to the marshal, or other collecting officer, from whom he received such statement, and the latter shall, upon the receipt of said taxes and collection fees, mark the said taxes as paid upon his assessment roll and the date of the receipt of the same, retaining the collection fees so received as aforesaid, as his fees in the matter of the collection of said taxes.

Statement to be sent to treasurer where property removed to.

Transmission of taxes to marshal where assessed.

SEC. 39. Execution issued upon judgment rendered for any tax may be levied upon any property, without exemption, the same as though seized for sale under warrants issued for the collection of taxes by township supervisors, and collected in the same manner in all other respects, as provided by law for the collection of judgments.

Execution may issue for tax, etc.

SEC. 40. Whenever a surplus arising from the sale of any property distrained for taxes shall be claimed by any other than the person for whose tax such property was sold, and such claim shall be contested, either of the contestants may prosecute in action against the other, as for money had and received, and in such action the right of the parties to such surplus shall be determined. For the purpose of such action the defendant shall be deemed to be in the possession of the surplus in the hands of the marshal and village treasurer, and upon the presentation to said treasurer of a certified copy of the final judgment rendered in such action, he shall pay over the same to the party recovering such judgment; and the treasurer shall not be liable to any claimant of such surplus, the right of which is contested, as provided in this act, until he shall have refused to pay over such surplus, upon the production of a certified copy of a judgment as aforesaid. In any action brought pursuant to this section no other case shall be

When surplus is claimed by others, etc.

joined nor shall any set-off be allowed; and if an execution issue on a judgment so rendered, it shall direct the costs only of such action to be levied by virtue thereof.

In case of death,
etc., of marshal,
etc.

SEC. 41. In case the marshal shall neglect to give the bonds required, or shall die, or resign, or move out of the village, or become unable to discharge the duties of his office, the board of trustees shall forthwith appoint a new marshal, who, on giving the required bond, shall execute the duties of the office for the remainder of the year. The village clerk shall immediately notify the county treasurer of such appointment.

Who may pay
taxes, etc.

SEC. 42. Any person may pay the taxes or any one of the several taxes, on any parcel of land. He may pay any tax whether levied on personal property or real property under protest to the marshal, specifying at the time, in writing signed by him the grounds of such protest on the tax roll and in the receipt given. The person paying under such protest,

In case of un-
divided property.

may, within thirty days, and not afterwards, sue the village for the amount paid, and recover, if the tax is shown to be illegal, for the reasons specified in such protest. Any person owning an undivided share, or any part or parcel of real property assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part or share on which he makes payment, and the receipt given, and the record of the receiving officer shall show such description, and by whom paid; and in case of the sale of the remaining part or share of unpaid taxes, he may purchase the same in like manner as any disinterested person could.

In case of lien on
property.

Any person having a lien on property may pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by the lien. A tenant of real estate may pay the taxes thereon and deduct the same from his rent, unless there be an agreement to the contrary. Such payment may be paid to the village marshal while the tax roll is in his hands, or afterwards to the county treasurer. The receipt given shall be evidence of such payment.

Tenant may pay
taxes and deduct
same from rent.

OF THE RETURN OF DELINQUENT TAXES.

Delinquent taxes
on real property,
etc.

SEC. 43. In case the marshal shall be unable to collect any of the taxes on his roll assessed on real property and penalty added thereto, he shall make a statement of the same with a full and perfect description of such property with the taxes and penalty upon each parcel thereof, which statement, verified by the affidavit of such marshal that such taxes and penalties remain unpaid and that he has not, upon diligent inquiry, been able to discover any goods or chattels liable to pay such sums, whereupon he could levy the same, which statement, properly verified, shall be returned to the county treasurer of Genesee county by said marshal within ten days after the time limited in

assessors' warrant to him for the collection of the taxes or of the extended time thereof, if extended by the board of trustees of said village as provided in this act, all such taxes and penalties so returned by said marshal to the county treasurer, as aforesaid, shall thereupon be and remain a lien upon the real estate until the same is paid.

SEC. 44. The marshal shall also make a statement showing the taxes upon personal property remaining unpaid, and the names of the persons against whom assessed, and the amount against each, which statement shall be verified by the affidavit of such marshal, in which he shall state, in substance, that the sums mentioned in such statement as uncollected remain unpaid, that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person liable to pay such sums whereupon he could levy the same, which statement, properly verified, shall be returned by said marshal to the treasurer of Genesee county, within ten days after expiration of the time limited in the assessor's warrant or in the extended time thereof, by the said board of trustees as provided for in this act.

Marshal to make statement of unpaid personal taxes.

Statement to be returned to county treasurer.

SEC. 45. The county treasurer shall immediately compare such statements with the said tax roll, and if he finds the same to be correct, he shall add to each of them a certificate showing that he has examined and compared such statements in his office. The county treasurer shall give to the marshal a receipt stating the amount of delinquent taxes on real property returned, and the amount of any unpaid taxes on personal property, which statement shall be the voucher of such marshal for the amount specified therein. The marshal shall immediately deposit his tax roll with the county treasurer, who shall file and preserve the same in his office, and which said roll, or a duly certified copy thereof, shall, for all purposes, in all courts, suits and proceedings, to be taken, held, and used in evidence, in the same manner and with like effect as the original roll. The county treasurer shall give the marshal a statement of all the personal taxes which remain uncollected, taken from the return of the latter with a warrant authorizing him or his successor to collect them according to law, and thereafter the marshal or his successor shall have the same power to collect such [taxes] takes as under his original warrant.

Duty of county treasurer, etc.

Marshal to deposit roll with county treasurer.

SEC. 46. When any county treasurer shall receive from the marshal a statement of unpaid taxes, together with a list of the lands on which the same are delinquent, verified according to law, such county treasurer shall enter the same at length on the books of his office, provided for that purpose, and he shall make a transcript of all the descriptions of land returned as delinquent for unpaid taxes, which transcript shall be compared by the county clerk with the statement of the marshal and, if he finds it to be a true transcript thereof, he shall add to it a certificate that he has found it correct.

Treasurer to make transcript.

SEC. 47. Such transcript shall be forwarded by the county treasurer of Genesee county to the Auditor General in the

Transcript to be forwarded to Auditor General.

same manner and for the same purpose as if the same was a transcript of the tax roll of the delinquent taxes of a township.

Payment after
return, etc.

SEC. 48. After the returns of lands for unpaid taxes the county treasurer of Genesee county is authorized to receive the amounts due as taxes and penalties and to retain four per cent of all taxes and penalties collected by him as fees for the collection thereof and shall pay over to the village treasurer on or before the first Monday in March of each year all taxes and penalties received by him less four per cent, as hereinbefore provided, and shall take a receipt of the village treasurer therefor. The board of trustees may authorize notices to be given personally or by publication to all delinquent taxpayers as far as known.

OF THE SALE OF LANDS AND CONVEYANCE AND REDEMPTION THEREOF.

Duty of Auditor
General, etc.

SEC. 49. The Auditor General and all other officers shall take such steps and proceedings to collect the taxes and penalties remaining unpaid upon any land in the village and such proceeding shall be had in the circuit court for the county of Genesee as shall be necessary to subject to judgment and sale at the time and in the manner and by the same officers the lands in said village upon which the taxes are delinquent and unpaid as provided by the general tax law of one thousand eight hundred and eighty-nine. In cases of other lands on which taxes remain unpaid, except that such suits shall be in the name of the village of Fenton and that the village attorney shall appear in behalf of the village and prosecute the proceedings had in the circuit court of Genesee in behalf of the village instead of the prosecuting attorney of Genesee county. The moneys received from the sale of lands in the village for delinquent taxes and penalties as hereinbefore provided shall be paid to the county treasurer of Genesee county and by him paid to the village treasurer less expenses, costs and fees at the time provided for in this act for the payment of taxes collected by him.

Redemption, etc.

SEC. 50. The lands of said village when so sold for delinquent taxes and penalties shall be subject to redemption in the same manner and within the time provided by law for the redemption from sale of other lands for taxes.

In case this act is
inoperative, etc.

SEC. 51. If for any reason, whether through omission or otherwise, this act or any of its provisions shall be inoperative or void, or if for any reason the land of the village upon which the taxes and penalties remain unpaid cannot be sold to pay the taxes and penalties thereon under the provisions of this act, the board of trustees may provide by ordinance such other provisions as shall be necessary to make the act operative, or may provide by ordinance such other manner for the return of all unpaid taxes on real property in the village to the county treasurer as shall be according to law for the returns by township treasurer. The taxes so returned according to the provisions

of such ordinance shall be collected in the same manner as the other taxes returned. In addition to the other powers and duties herein conferred upon it, the common council shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it may deem advisable within said village, except as may be herein otherwise provided, for the following purposes:

Additional powers of council.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to preserve peace and good order, prevent and quell riots, to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vice and immorality.

Second, To apprehend and punish vagrants, drunkards, truants, disorderly persons and common prostitutes;

Vagrants.

Third, To restrain, prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play games of chance and to punish the keepers thereof;

Disorderly houses.

Fourth, To license, regulate, and restrain billiard and pool rooms, bowling alleys or tables and ball alleys, and to punish the keepers thereof; to prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments, devices and material used for the purpose of gaming;

Gaming, etc.

Fifth, To regulate, license, and restrain ale, beer and porter houses and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof, and to require all such places to be closed on Sundays, and upon such other days and during such hours of every day or night as the common council shall prescribe; to prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any habitual drunkard or intemperate person, minor, employé or apprentice, and to punish any person for so doing;

Liquors, etc.

Sixth, To license, regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name and nature for which money or other reward is in any manner demanded or received;

Exhibitions, sports, etc.

Seventh, To license and regulate auctions and sales at auctions; to regulate the sale of live or domestic animals, at auction upon the streets or alleys or upon the public grounds of the village; to license and regulate the sale of goods, wares, property or anything at auction, or any manner of public bidding or offerings by buyers or sellers after the manner of auction sales; to regulate the fees to be paid by and to auctioneers; but no license shall be required in the case of sale as required by law to be made at auction or public vendue;

Auctions, etc.

Eighth, To license hucksters, peddlers and pawnbrokers in

Hucksters, peddlers, etc.

the business of hawking and peddling, and to regulate and license the sale of peddling, directly or by canvassing for subscription, of goods, wares, merchandise, refreshments or any kind of property or thing, by persons going about from place to place in the village for that purpose, or from any stand, cart, vehicle or other device in the streets, highways or in open places or spaces, stores, offices and business blocks and places, public grounds or buildings in said village;

Nuisances, etc.

Ninth, To abate and remove nuisances of any kind and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome structure, house or place, to cleanse, remove or abate the same from time to time, as often as it may deem necessary for the health, comfort and convenience of said village;

Slaughter-houses.

Tenth, To direct the location of all slaughter-houses, markets and buildings for the storing of gunpowder and other combustible and explosive substances;

Gunpowder, etc.

Eleventh, To regulate, restrain and prohibit the buying, carrying and selling gunpowder, fire-crackers or fire-works manufactured and prepared therefrom, or other combustible material, the exhibition of fire-works and the discharge of fire-arms, and lights in barns, stables and other buildings and to restrain the making of bonfires in streets and yards;

Incumbering streets, etc.

Twelfth, To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, in any manner whatever, and to determine and designate the route and grades of any railroads to be built in said village; and to restrain and regulate the use of locomotives, engines and cars upon the railroads within said village;

Bathing, etc.

Thirteenth, To prohibit or regulate bathing in any waters or in any open or conspicuous place, and any indecent exposure of the person in the village;

Dogs.

Fourteenth, To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses and to authorize the killing of all dogs not so licensed, and to regulate and prevent the running at large of dogs;

Dead carcasses, etc.

Fifteenth, To prohibit any person from bringing or depositing within the limits of said village any dead carcasses or other unwholesome or offensive substances, and to require the removal and destruction thereof, if any person shall have on his premises such substances or any putrid meats, fish, hides and skins of any kind, and on his default, to authorize the removal and destruction thereof as a public nuisance by some officer of the village;

Sidewalks.

Sixteenth, To compel all persons to build sidewalks in front of premises owned or occupied by them, to keep the same in repair, and to clear from snow, ice, dirt, wood or obstructions; and said village having the privilege of constructing the same and keeping them in repair after once constructed;

Ringling of bells, etc.

Seventeenth, To regulate the ringling of bells and the crying

of goods and other commodities at sale at auction, and to prevent disturbing noises in the streets;

Eighteenth, To prohibit, restrain or regulate within said parts of the village, as it may deem expedient, the building, rebuilding, enlarging, repairing or placing of wooden or veneered buildings therein; to prohibit, restrain or regulate the erection of any building of a combustible nature that is being erected in such a manner or in such a locality as to endanger the safety of said village; to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said village, and prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder, as provided in this provision, not exceeding five hundred dollars; Fire limits, etc.
Building lines.

Nineteenth, To prevent and punish horse-racing and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street; Fast driving.

Twentieth, To establish, order and regulate the market; to regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meats, poultry, fish, vegetables or other articles of food or provisions, impure, spurious or adulterated wines, spirituous liquors or beer, or knowingly keeping or offering the same for sale: *Provided,* Nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the village; Markets, etc.
Provided.

Twenty-first, To regulate and license all taverns and houses of public entertainment, and all saloons, restaurants and meeting-houses; Taverns, etc.

Twenty-second, To license and regulate all vehicles of every kind in the transportation of any persons or property for hire in the village; Vehicles.

Twenty-third, To provide for and regulate inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions; Inspection of meats, etc.

Twenty-fourth, To regulate the inspection of weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise; Brick, etc.

Twenty-fifth, To provide for the inspection and sealing of weights and measures, and enforce the keeping and use of proper weights and measures by venders; Weights and measures.

Twenty-sixth, To prescribe rules to govern sextons and undertakers for burying the dead, hacks and their drivers, omnibuses and their drivers, scavengers, porters, chimney sweeps and their fees and compensation; Burial of the dead, etc.

Twenty-seventh, To make regulations for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept for use and hire, auctioneers, peddlers, pawnbrokers, auctions, peddling, taverns, hotels, victualing houses, saloons or Licensing drays etc.

Soliciting passengers, etc.	other places or houses for furnishing meals, food, or drink, and keeping of billiards and pool tables and ball alleys used for gaming;
Numbering houses, etc.	<i>Twenty-eighth</i> , To license and regulate soliciting for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also draymen, cartmen, trunkmen, porters, runners or otherwise, or cabs, hacks, omnibuses, carriages, sleighs, express vehicles, or every other vehicle used or employed for hire, and to fix the amounts and rates of their compensation;
Lighting streets.	<i>Twenty-ninth</i> , To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel owners or occupants of buildings to affix numbers on the same;
Telegraph poles, etc.	<i>Thirtieth</i> , To make regulations for the lighting of the streets and alleys and the protection and safety of public or private lamps and lights;
Public parks, etc.	<i>Thirty-first</i> , To regulate the placing and using of all telegraph, telephone, electric light poles and wires;
	<i>Thirty-second</i> , To provide for public parks and squares, make, grade and improve and adorn the same and all grounds in said village belonging to or under the control of the corporation; to control and regulate the same consistently with the purposes and objects thereof;
Census.	<i>Thirty-third</i> , To provide for taking the census of the inhabitants of said village whenever it may see fit, and to direct and regulate the taking of the same;
Grade of streets.	<i>Thirty-fourth</i> , To establish a grade for street and sidewalks and cause the same to be constructed in accordance therewith;
Duties of officers, etc.	<i>Thirty-fifth</i> , To prescribe the duties of all officers appointed by the common council and not otherwise herein provided, and their compensation, and the penalty or penalties for failing to perform such duties;
Bonds.	<i>Thirty-sixth</i> , To prescribe all bonds and sureties to be given by the officers of the village for the discharge of their duties, the time for executing the same, in cases not otherwise provided [for] by law;
Fees and costs, etc.	<i>Thirty-seventh</i> , To authorize and regulate the demand and receipts by officials of such fees and costs and in such cases as the common council may deem reasonable;
Fees of jurors.	<i>Thirty-eighth</i> , To fix and regulate the fees of jurors and witnesses in any proceeding under this act, or under any ordinance of the common council;
Dirt, filth, etc.	<i>Thirty-ninth</i> , To sell or otherwise provide for disposing of all dirt, filth, manure and debris lying in or gathered from the highway, streets, avenues, lanes, alleys or public places, and all earth to be removed therefrom, or from the public squares and grounds of said village, in grading, paving or otherwise improving the same;
Awnings, etc.	<i>Fortieth</i> , To control, prescribe and regulate the mode of constructing and suspending awnings and the exhibition and suspension of signs thereon;
Use of streets.	<i>Forty-first</i> , To control, prescribe and regulate the manner in which the highway, streets, avenues, lanes, alleys, public

grounds and spaces within said village shall be used, and to provide for the preservation of and prevention of willful injury to gutters in said highway, streets, lanes and alleys;

Forty-second, To direct and regulate the planting and Shade trees. provide for the preservation of ornamental trees therein;

Forty-third, To regulate or prevent the exhibition of signs Signs, etc. on [canvas] canvass, or otherwise, in and upon any vehicle standing or traveling upon the streets of said village;

Forty-fourth, To prohibit all practices, amusements and Amusements in streets, etc. goings in said streets having a tendency to frighten teams or horses or dangerous to life or property; to remove or cause to be removed therefrom all walls and structures that may be liable to fall therein so as to injure life or property;

Forty-fifth, To prohibit and punish the use of toy pistols, Toy pistols, etc. sling-shots and other dangerous toys or implements within said village;

Forty-sixth, To provide for the protection and care of Paupers. paupers, and to prohibit and prevent all persons from bringing to the village from any other place any pauper or paupers, or any person likely to be a charge upon the citizens of said village, and to punish therefor; and to authorize the removal from the village of all paupers not a legal charge upon said village;

Forty-seventh, To provide for the appointment of a village village attorney attorney, and to prescribe his duties and compensations;

Forty-eighth, To lay out, construct and maintain public Sewers, etc. sewers or drains in said village where the board of trustees shall determine the same are necessary, and to provide for the payment of the expense of the same both for construction and maintenance;

Forty-ninth, To establish fire limits within which no wooden Fire limits. building shall be built nor no building whose outside walls shall be part wood and part some other material enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stove pipes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra hazardous; to guard against fires, and to compel the owners or occupants of buildings in such portions of the village as they shall deem best to provide one or more fire buckets and to regulate the keeping of the same;

Fiftieth, To restrain horses, catile, sheep, swine, mules and Animals running at large, etc. other animals, geese and other fowls, from going at large in the streets of said village, and to prevent the tying or staking of horses, cattle, or other animals, in any of the public streets, lanes, or alleys or public parks for the purpose of baiting or grazing in said village, under such penalties as they shall in the by-laws prescribe and establish, and maintain pounds for the restraint of such animals or fowls, running at large, tied or staked, in violation of any by-law, rule, regulation or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

Fifty-first, To elect one of their members president *pro tem*; President pro tem.

Trustees may
amend, alter,
repeal by-laws,
etc.

Fifty-second, And for the purposes enumerated, or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish and publish, modify, amend and repeal by-laws, rules, regulations and ordinances, and shall have power to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding one hundred dollars and costs of prosecution, or imprisonment in the county jail not to exceed ninety days, or both, in the discretion of the court, for any one offense, except as herein otherwise provided, and to enforce the same against any person guilty of such violation in any court having jurisdiction in such cases; but all such by-laws, rules, regulations and ordinances shall be published for at least two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village: *Provided*, Any person arrested thereunder shall be entitled to a trial by jury as in other criminal cases, as well as the right of appeal to the circuit and supreme courts;

Proviso.

To compile, etc.,
by-laws now in
force.

Fifty-third, The board of trustees of the village of Fenton are hereby empowered to compile, revise and amend the by-laws and ordinances now in force in said village of Fenton; and said by-laws and ordinances when so compiled, revised and amended shall be deemed a legal publication of the same in lieu of the publication required by the charter of said village: *Provided*, That all the by-laws and ordinances which shall be passed by said board of trustees after said by-laws and ordinances shall have been compiled, revised and amended and published in pamphlet form, shall be published as required by the charter of said village. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Proviso as to
publication, etc.

Ordered to take immediate effect.
Approved May 6, 1891.

[No. 315.]

AN ACT to prevent fast riding or driving across the bridges in the Bay county bridge district.

Fast riding or
driving on
bridges prohib-
ited.

Proviso.

SECTION 1. *The people of the State of Michigan enact*, That persons shall not ride or drive any horse or vehicle on any bridge across the Saginaw river within the Bay county bridge district faster than a walk: *Provided*, That the Bay county bridge commission shall have power to make regulations permitting light vehicles to be driven on any or all of said bridges faster than a walk when such bridge is not crowded.

Penalty.

SEC. 2. Any violation of this act shall be a misdemeanor, and the person violating this act shall, for each offense, be subject to a fine of ten dollars with costs of suit, or by imprisonment in the Bay county jail for a period not exceeding thirty

days, or by both such fine and imprisonment at the discretion of the court.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 316.]

AN ACT to amend sections three, eight, thirteen, fifteen and twenty of an act entitled "An act to establish a board of police and fire commissioners in the city of Grand Rapids, and to prescribe their powers and duties," approved May twenty-fourth, one thousand eight hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections three, eight, thirteen, fifteen and twenty of an act entitled "An act to establish a board of police and fire commissioners in the city of Grand Rapids, and to prescribe their powers and duties," approved May twenty-fourth, one thousand eight hundred and eighty-one, be and the same are hereby amended so as to read as follows:

SEC. 3. In the year eighteen hundred and eighty-two, and in every year thereafter, on the first Monday in May, or as soon afterward as may be, one member of said board shall be appointed by the mayor to take the place of the commissioner whose term then expires, who shall hold his office for five years and until his successor is appointed and qualified. In case of a vacancy in said board by reason of death, resignation, removal, declination of appointment, or any other cause, such places and vacancies shall be filled without delay by new appointments for the unexpired terms of office. All appointments under this section, whether for full term or to fill vacancy, shall be made by the mayor of said city. Mayor to appoint commissioner, term, etc.

SEC. 8. All the powers of electing or appointing a chief of police, police constables, special policemen, additional policemen and watchmen, are vested in said board of police and fire commissioners, subject to such limitations and restrictions as to qualifications and compensation as are [provided] provided in the charter of said city for the government of the mayor and common council in making such election or appointments. Said board shall accordingly have power, and it shall be their duty annually, on the first Monday of May, in each year, or as soon thereafter as may be, to appoint by ballot, or otherwise, as they may decide, a chief of police, and so many police constables and watchmen as they may deem necessary, not exceeding three for every two thousand inhabitants of said city and fix the compensation of the same, and they may designate one or more of the police constables to be sergeants of police, and as such to exercise control over the police force as prescribed by the regulations of the board. They shall also appoint as many special police constables, with or without compensation, in time of special Powers of police and fire commissioners.
To appoint chief of police, etc.
To appoint special policemen.

emergency or apprehended danger from riot or other cause of alarm as they shall deem expedient, or as the common council of said city, or the mayor thereof may request. Said board whenever it shall seem to them discreet, may also, on the application of any person or persons showing the necessity thereof, appoint any number of special police constables, to do duty at designated place or places within said city, at the charge and expense of the person or persons by whom the application shall be made, and the special police constables so appointed, shall perform duty only at the places designated by said board and shall continue in office at the pleasure of said board, for a term not exceeding one year. All persons appointed by said board under the provisions of this section, shall be citizens of the United States, and residents of the city of Grand Rapids for at least three months.

Appointees to be
citizens of
United States.

Engineers and
firewardens.

SEC. 13. Said board shall appoint one chief engineer, as many assistant engineers as they may deem necessary, and firewardens, not to exceed one from each ward of said city, as they may from time to time determine, a proper number of firemen, such number of hook and ladder men and of tub and hose men as they may think best, all to have the privileges and exemptions of firemen, and to hold their appointment during the pleasure of said board, and said board shall, as soon as may be after assuming control of said department, prescribe and publish, in convenient form for use, a system of rules and regulations for the government of the fire department; but until such rules and regulations are published, as aforesaid, the rules heretofore adopted by the common council of said city in relation to said department shall remain in force, and the present members of said department shall continue to hold their positions until appointments are made by said board. All persons appointed by said board under the provisions of this section shall be citizens of the United States and residents of the city of Grand Rapids for at least three months.

Sites for engine
houses, etc.

SEC. 15. Said board shall have power to locate the sites for engine houses and police stations, to organize said city into as many fire districts as they may deem necessary, to prescribe rules for the inspection of buildings by firewardens, and prescribe the duties of such firewardens, to control the cisterns and hydrants in use by said fire department, to direct the manner in which the bells of the city shall be tolled or rung in case of fire or alarms of fire and to establish and maintain an efficient system of fire alarm telegraph, and such other telegraphic or telephonic apparatus as may be necessary to secure the highest efficiency of the department. To appoint a building inspector, to whom shall be submitted all plans and specifications and matters connected therewith, for the construction and repairing of buildings in said city, and who shall issue building permits upon approval by him of said plans and specifications under such ordinances, rules and regulations, as shall be prescribed by the common council of the city of Grand Rapids. The board of police and fire commissioners shall prescribe the duties of said inspectors, and fix his salary and compensation.

Building inspect-
or, etc.

Duties and com-
pensation of.

SEC. 20. It shall be the duty of said commissioners to prepare and submit to the common council of said city for ratification or amendment, on or before the fifteenth day of June in each year, an estimate of the whole cost and expense of providing for and maintaining the police and fire departments of said city for the ensuing year, in accordance with the provisions of this act, which estimates shall be separate for the two departments, and shall be in detail specifying the objects of expenditure, the sums desired for each, and such special reasons for the same as the board may have. The amounts of money so estimated to be necessary, or such amount as the common council shall by resolution determine to be necessary, shall be certified by the city clerk of said city to the comptroller of said city, with the other sums determined to be raised by tax for city, highway, sewer and other purposes, in accordance with the provisions of the charter of said city. Said board shall not be authorized to incur any indebtedness, nor enter into any contract not provided for or included in the said detailed annual estimate for such fiscal year, unless specially authorized so to do by a majority vote of all the members elect to the common council of said city. Said board shall have power to allow compensation to members of the police or fire department, as the case may be, for lost time occasioned by injuries incurred while in the discharge of duty: *Provided*, That such compensation shall not exceed two-thirds of the regular pay of such disabled member, and such compensation for such lost time shall not continue beyond a period of sixty days.

Annual estimates of expenses, etc.

Clerk to certify amount to controller.

Compensation for lost time.

Provided.

This act is ordered to take immediate effect.

Approved May 6, 1891.

[No. 317.]

AN ACT to authorize the village of Mackinac, in the county of Mackinac, to borrow money to be used in the payment of outstanding orders of said village and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the president and board of trustees of the village of Mackinac, in Mackinac county, is hereby authorized and empowered to borrow money on the faith and credit of said village and issue bonds therefor to an amount not exceeding nine thousand dollars at a rate of interest not exceeding seven per cent per annum: *Provided*, That a majority of the qualified electors present and voting at an election to be called for that purpose in compliance with the provisions of this act shall vote in favor of such loan and not otherwise.

Authority to borrow money.

Limit of loan.

Provided.

SEC. 2. The money borrowed under the provisions of this act shall be expended in paying orders of said village, outstanding at the time said bonds shall be issued and not otherwise.

How expended.

To be submitted
to vote.

SEC. 3. The question of raising said money by a loan shall be submitted by the president and trustees of said village to the qualified electors thereof at a special election to be called for the purpose of voting on said loan upon due notice as required by the provisions of the charter of said village, which notice shall state that said electors will be called upon to vote upon such loan and the amount thereof.

Ballots, etc.

SEC. 4. The vote on any loan under the provisions of this act shall be by ballot. Two ballots shall be prepared, on one of which shall have printed or written thereon the words "for the loan" and the other the words "against the loan." The like notice shall be given and the election shall be conducted and the votes canvassed in all respects as the elections for village officers.

If authorized
bonds may be
issued, etc.

SEC. 5. If such loan shall be authorized by a majority of such electors said bonds may be issued in such sums not exceeding in the aggregate the amount hereinbefore limited and payable at such time as the president and trustees shall direct and shall be signed by the president and recorded and negotiated by and under the direction of the president and trustees but not for a sum less than the par value thereof and the money arising therefrom shall be appropriated to pay the outstanding orders of said village only, at the time said bonds shall be issued and the president and trustees shall have power and it shall be their duty to raise by tax on the taxable property of said village such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as the same shall become due.

This act is ordered to take immediate effect.

Approved May 7, 1891.

[No. 318.]

AN ACT to amend sections three, and four, of chapter one, sections one and two of chapter two, sections six and twelve of chapter six, sections three and four of chapter eight, sections one, two, three, four, five, six and seven of chapter fifteen, sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen of chapter sixteen, section one of chapter seventeen of act number three hundred and ninety of the local acts of eighteen hundred and eighty-five entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred and eighty-five, and to add thereto twelve new sections to stand as sections twenty-nine, thirty, thirty-one and thirty-two of chapter fifteen, sections nineteen and twenty of chapter sixteen and sections thirty-four, thirty-five, thirty-six, thirty-

seven, thirty-eight and thirty-nine of chapter seventeen of said act and the amendments thereto.

SECTION 1. *The People of the State of Michigan enact,* ^{Sections amended.}
That section three of chapter one, sections one and two of chapter two, sections six and twelve of chapter six, sections three and four of chapter eight, sections one, three, four, five, six and seven of chapter fifteen, sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen of chapter sixteen, section one of chapter seventeen, of act number three hundred and ninety of the local acts of eighteen hundred and eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred and eighty-five, be and the same are hereby amended, and that twelve new sections be added thereto, to stand as sections twenty-nine, thirty, thirty-one and thirty-two of chapter fifteen, sections nineteen and twenty of chapter sixteen, and sections thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight and thirty-nine of chapter seventeen of said act, and the amendments thereto. Said amended and added sections to read as follows:

CHAPTER I.

SEC. 3. The territorial limits of said city shall consist of ^{Territory incorporated.} all that tract of country in the county of St. Clair bounded and described as follows: Commencing at a point on the national boundary line in St. Clair river, where the same would be intersected by the section line projected between sections twenty-one and twenty-eight, in town six north, of range seventeen east, thence running westerly along the northerly line of the highway between said sections to the southwest corner of section twenty-one; thence running north along the east line of the highway between sections twenty-one and twenty to the south line of the highway between sections sixteen and twenty-one; thence east along the south line of said highway to the west line of the highway between sections sixteen and fifteen; thence north along the west line of said highway between said sections sixteen and fifteen to the north line of the highway running east and west across the center of section nine; thence westerly along the north line of said highway to a point where the Indian reservation line intersects said highway; thence in a northwesterly direction along said Indian reservation line to the northwest corner of said reservation; thence northeasterly along the south line of lot eight of private claim number three to the center of Black river; thence up the middle of said Black river to the northwest corner of what was formerly known as the Fort Gratiot military reservation; thence easterly on the north line of said military reservation to the national boundary line in the St. Clair river; thence southerly along said boundary line to the place of beginning.

Division into
wards, etc.

SEC. 4. The city of Port Huron shall be divided into eight wards, the boundaries of which shall be fixed by the common council, but such division shall not be operative until the first Monday of April, eighteen hundred and ninety-two, and until that date the territory added to the city on the south and west of the present sixth ward by this act shall be attached to the sixth ward, and the territory added to the city on the west of the present fourth ward shall be attached to the fourth ward. The other wards of said city shall be and remain as heretofore laid out and continued until altered by the common council of said city, as authorized by this act.

CHAPTER II.

Officers to be
elected, terms,
etc.

SECTION 1. The following officers of the corporation shall be elected on the general ticket at the annual city election, in said city, by the qualified voters thereof, viz.: A mayor, city clerk, treasurer and one member of the board of estimates, who shall hold their respective offices for the term of two years and until their successors are elected and qualified and in each ward of said city, by the qualified electors thereof, one alderman and one member of the board of estimates, each for two years, one constable, one supervisor each for one year. The aldermen of the city shall each receive an annual compensation of one hundred dollars.

Officers to be
appointed, etc.

SEC. 2. The following officers shall be appointed by the common council at a meeting held on the first Monday in May, eighteen hundred and ninety-one, or at the meeting to which said meeting shall be adjourned, and in each alternate year thereafter, who shall take and subscribe the oath of office, file their official bonds and enter upon their official duties on the second Monday of May or within ten days after notice of such appointment, viz.: City attorney, city controller, superintendent of public works, city engineer, and such other officers as may be authorized by resolution or ordinance of the common council, and if from any cause said council shall fail to make any of such appointments at the times before mentioned, then such appointment may be made at any subsequent regular meeting of the council.

CHAPTER VI.

Duty of
treasurer.

SEC. 6. The treasurer shall have the custody of all moneys, bonds, mortgages, notes leases and evidences of value belonging to the corporation, and every board or officer thereof, except as hereinafter provided. He shall receive all moneys belonging to and receivable by the corporation, and keep an accurate [account] accounts of all receipts and expenditures thereof; he shall pay no money out of the treasury except on a warrant signed by the controller and countersigned by the mayor, which shall specify the purpose for which the amount thereof to be paid, except that on the first day of January in each year,

or within ten days thereafter, he shall pay over to the county treasurer the amount of all State and county taxes collected by him. He shall keep an accurate account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation; shall keep a separate account for each fund and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund indorsed thereon by the controller. He shall keep an accurate account and report to the common council at the end of each quarter commencing August first, eighteen hundred and ninety-one, a detailed statement of all taxes collected, and money received as well as money disbursed. He shall make a monthly detailed statement to the controller of the amount received and credited by him to each fund and on what account received, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the controller. The treasurer shall keep an office where the books and accounts in his charge, belonging to the city, shall be open to the inspection of any tax-payer of said city at reasonable hours in any week day; and where all bonds, coupons and warrants, the place of payment of which is not otherwise designated, shall be presented for payment, and the treasurer shall not discriminate as to parties holding bonds, coupons, warrants or other lawful demands. The city treasurer shall collect all the State and county taxes assessed and imposed upon the real and personal property of said city, and also all city, highway, sewer and school taxes, and all such special taxes as may from time to time be levied by the common council for the improvement of streets, the construction of sidewalks or any other purposes authorized by this act or the laws of this State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller of said city shall confer full power and authority upon said treasurer to collect by levy and sale, all the taxes set forth upon any copy or transcript of any general or special roll so placed in his hand, the same as warrants made by supervisors of townships under the laws of this State, and such treasurer shall have all the powers to enforce collection of said taxes as is conferred upon township treasurers by the general laws of the State, shall give receipts for all taxes collected by him and mark the same paid upon the proper rolls. He shall at the regular meeting of the common council, on the first Monday of December, eighteen hundred and ninety-two, and in each year thereafter send to the common council for confirmation, the names of two residents and electors of the city, to act as deputy treasurers; said officers when confirmed shall enter upon their duties at such time as directed by the treasurer; they shall hold office not to exceed fifty days and shall file bonds as hereinafter provided and their compensation shall be fixed by said council. Their duties shall be the collection of

To make quarterly statement to council.

To make monthly statement to controller.

To be tax collector.

Appointment and duties of deputies.

Limit of term and compensation of deputies.

delinquent taxes, either general or special, and such deputies shall have the power and authority of the city treasurer so far as relates to the collection of said taxes. All percentages and fees collected by them shall be paid by them to the city treasurer, and be by him placed in the contingent fund of the city.

City physician.

SEC. 12. The city physician shall be the health officer of the corporation and shall take the place and perform the duties of such officer under the general laws of the State, except as otherwise provided in this act. It shall be his duty, when requested by the common council or any committee thereof, to make such examinations and investigations as are necessary to determine the extent of the injuries received by any person who may prefer a claim for damages against the city by reason of said injuries.

CHAPTER VIII.

Annual meeting of board of estimates.

SEC. 3. A meeting of said board shall be held annually on the first Monday of May at ten o'clock in the forenoon, at the common council chamber, and at such other time as the common council may by ordinance or resolution prescribe. Said board shall elect one of its members president thereof, who shall preside at all meetings of the board and shall hold his office until the next election of new members, and if he is absent or incapacitated from performing his duties, the board may elect a president *pro tempore*. The city clerk shall be the secretary of said board, and shall keep a record of its proceedings and if he is absent or incapacitated from performing his duties, the board may appoint a secretary *pro tempore*. The board may adjourn from time to time, but the meeting which shall be held in each year to consider the estimates for the general and annual taxes for city purposes shall not be adjourned to a time subsequent to the third Monday of May.

President.

Secretary.

Adjournments.

Estimates to be submitted to board.

SEC. 4. Before any money shall be raised or taxes levied and collected for the purpose of the several funds mentioned in this act, excepting interest and sinking funds the estimates of the common council and of the board of education of the amount of moneys required for such fund or purposes, shall be submitted to said board of estimates for approval, and before any bonds or other evidences of indebtedness shall be issued by the city, or any board thereof, said issue shall be authorized by said board of estimates. The estimates for the general city taxes shall be acted upon by the common council as provided by this act, and shall be submitted to the board of estimates on the first Monday in May, to be considered by the board and reported by it to the common council on or before the third Monday of May. Said board shall carefully consider all estimates hereby required by this act to be submitted to it of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the amount to be raised, and may

Indebtedness to be authorized by board.

Estimates to be acted on by council.

Approval of estimates.

Majority necessary to approve.

authorize, subject to the provisions of this act, the issue of bonds by said city or the boards thereof. A majority of all the members elect of said board shall be required to approve of any such estimates for the raising of taxes, or any part thereof, or to authorize the issue of any bond.

CHAPTER XV.

SECTION 1. The revenues and money of the corporation shall City funds. be divided into the following funds, viz.:

First, General fund, to defray the expenses of the city of General. Port Huron, for the payment of which out of some other fund no provision herein is made;

Second, Contingent fund, to defray the contingent expenses Contingent. of said city;

Third, Interest fund, to pay the interest on the funded debt Interest. of the city;

Fourth, Sinking fund, to pay the funded debt of said city; Sinking.

Fifth, Police fund, to defray the expenses of the police force Police. of said city, including the erection of station houses and other buildings for the force;

Sixth, Water fund, to defray the expense of obtaining Water. grounds, erecting buildings, purchasing machinery, obtaining rights of way, laying mains, and constructing, repairing, and maintaining the water-works of said city;

Seventh, Fire department fund, to defray the expenses of Fire department. maintaining the fire department of said city, including the maintenance and repairs of public hydrants, and the erection of engine houses and other buildings for the use of said department;

Eighth, Educational fund, to defray the expenses of main- Educational. taining the public schools in said city, and of obtaining grounds, erecting and repairing school buildings and for library purposes;

Ninth, Sewer fund, to defray the expenses of constructing, Sewer. repairing and maintaining the city's portion of sewers and of constructing and maintaining receiving or catch basins and man-holes and putting in street and alley connections;

Tenth, Street opening fund, to defray the expenses only of Street opening. opening, widening, altering and vacating streets, highways and alleys in said city, and not for working or grading streets;

Eleventh, General road fund, to defray the expenses of General road. repairing paved streets, and of grading, paving, planking, graveling, claying, macadamizing or otherwise improving street intersections, and the highways, streets and alleys of said city, in front of or adjacent to the property of the corporation;

Twelfth, Ward road fund, for each ward of the city, to defray Ward road. the expenses of grading, working, repairing, cleaning and improving the highways, streets and alleys in the several wards in said city, and of the building of cross-walks and culverts;

Thirteenth, Public building fund, for purchasing real estate Public building. for the erection thereon of public buildings, and to defray the

	expenses of erecting, repairing and maintaining such public buildings as the common council is authorized to erect, and as are not otherwise provided for;
Bridge.	<i>Fourteenth</i> , Bridge fund, to defray the expenses of erecting, repairing and maintaining the bridges in said city;
Park	<i>Fifteenth</i> , A park fund, to defray the expenses of beautifying and caring for the public parks of said city, and for the purchase of grounds for parks;
Cemetery.	<i>Sixteenth</i> , A cemetery fund, to defray the costs and expenses of obtaining one or more cemeteries, and to defray the cost and expense of beautifying and adorning, keeping, maintaining and caring for the cemeteries of the city, either within or without the city;
Public lighting.	<i>Seventeenth</i> , Public lighting fund, to provide for the purchase, erection and maintenance of a lighting plant, and to defray the costs and expenses of lighting the city;
Salary.	<i>Eighteenth</i> , Salary fund, to pay the salaries of the various city officers except as herein otherwise provided;
Public improvement.	<i>Nineteenth</i> , Public improvement fund, to defray the costs and expenses of the improvements mentioned in the first and third subdivision of section one, chapter seventeen of this act, into which fund the proceeds of all the special assessments therein specified shall be placed, together with such other amounts as may, from year to year, be appropriated by general tax.
Repaving.	<i>Twentieth</i> , Repaving fund, to defray the expense of repaving streets in the city;
Street cleaning.	<i>Twenty-first</i> , Street cleaning fund, to defray the cost and expense of cleaning the paved streets of the city;
Police life and health insurance.	<i>Twenty-second</i> , Police life and health insurance fund, the moneys placed in said fund to be applied in accordance with chapter fifteen, section thirty of this act;
Other funds.	<i>Twenty-third</i> , Such other funds as the common council may constitute for special purposes, not inconsistent with nor to be taken from any of the funds above constituted or raised.
Taxes for several funds.	SEC. 3. The common council shall have power, subject to the approval of the board of estimates, to annually levy, assess and collect taxes on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, in order to defray the expenses and for the purposes of the several funds mentioned in and authorized by the preceding section: <i>Provided</i> , That the total amount so levied and collected in any one year for all said funds, except the sinking fund and repaving fund and except any fund for which special assessments are made, shall not exceed two per cent of such valuation, and for the sinking fund and repaving fund shall not exceed one-third of one per cent of such valuation for each fund.
Proviso.	
When, by whom, and what estimates to be submitted to controller.	SEC. 4. On or before the first Monday of April in each year there shall be presented to the controller estimates of the amount of taxes necessary to be raised as follows: By the board of water commissioners, of the amount necessary to be

raised for the water fund; by the board of education of the amount necessary to be raised for the educational fund; by the chief engineer of the fire department of the amount necessary to be raised for the fire department fund; by the chief of police of the amount necessary to be raised for the police fund; by the trustees of the city cemetery of the amount necessary to be raised for the cemetery fund; by the aldermen of the several wards of the amount necessary to be raised in their respective wards for the ward road fund; by the superintendent of public works of the amount necessary to be raised for the sewer fund, the street opening fund, the street cleaning fund, the repaving fund, the general road fund, the bridge fund, and the park fund, and the controller shall add thereto his estimates of the amounts necessary to be raised for all other funds and purposes and present the same with such recommendations as he may deem expedient, to the common council on or before the third Monday of April in each year, and in case either or any of said boards or officers shall fail to report estimates, the controller shall himself submit estimates of the amounts necessary to be raised. And if no estimates are presented, the common council shall prepare estimates for each and every one of the funds and purposes required, and it shall be the duty of the controller and of said boards, and officers to give to the common council any information in their power relative to said estimates or the finances of the city.

In case no estimates are presented.

SEC. 5. The common council after revising, altering and approving said estimates shall transmit the same as finally adopted to the board of estimates, on or before the first Monday in May for its approval, as provided for in this act, and all propositions and resolutions for the borrowing of any money on the credit of the city, shall also, in like manner, be submitted to the board of estimates.

Council to transmit same to board of estimates.

SEC. 6. The common council shall, with the approval of the board of estimates, also have power to provide money for the water fund, the sewer fund, the educational fund, the public building fund, the general road fund, the bridge fund, the public lighting fund, the public improvement fund, and the repaving fund, by borrowing upon the faith and credit of the city, and upon the best terms [that] than can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of said city therefor; and the common council shall have power to provide money by borrowing upon the faith and credit of the city to pay the present bonded indebtedness of the city or of the board of education, or any part thereof, whether due or not, and to issue bonds therefor, or said bonds may be issued by the common council for the purpose of refunding said bonded indebtedness and exchange for the present outstanding bonds of the city or board of education; but said bonds shall not be negotiated at less than their par value or bear interest to exceed seven per cent per annum: *Provided*, That the gross debt of the city, not including that hereinbefore contracted and water, sewer, paving, public lighting and pub-

Council may issue bonds for certain funds, etc.

Proviso as to limit of indebtedness.

lic improvement bonds, shall never exceed five per cent of the assessed value of the real and personal property in said city, and before any bond, except water, sewer, paving, repaving, public lighting, public improvement and bonds above described, for paying or refunding the bonded indebtedness of the city and board of education, and bonds for which special assessments can be made shall be issued, at least five per cent of the present indebtedness shall be paid, or a sinking fund provided to pay the same, and any indebtedness issued or created in excess hereof shall be null and void except as hereinafter provided: *And provided further*, That the common council shall not have power to authorize or order the issuance of any bond or borrow any money for the public lighting fund until the question of the issuance of said bonds and the borrowing of money for such purpose shall have been submitted to and approved by a majority of the electors of the city of Port Huron voting thereon.

Further proviso
as to public
lighting.

Bonds, how
denominated.

SEC. 7. Bonds issued under the preceding section shall be respectively denominated water bonds, sewer bonds, school building bonds, public building bonds, general road bonds, bridge bonds, public lighting bonds, public improvement bonds, and repaving bonds, and in case issued to provide money for the payment of the present bonded indebtedness aforesaid, they shall be denominated refunding bonds, and in case exchanged for bonds representing present bonded indebtedness, they shall be denominated the same character of bonds as those they retire with the prefix "refunding," and shall, in case of exchange as aforesaid, state specifically on their face the number and character of the bonds retired; and in case of exchange for bonds now outstanding known as refunding bonds, they shall be denominated "funding refunding bonds," specifying as aforesaid on their face the number and character of the bond retired, and shall be regularly dated and numbered in the order of their issue, and shall be for not less than one hundred dollars each, and shall be payable in not less than one or more than thirty years from their date; shall be issued under the seal of the corporation, signed by the mayor and clerk and countersigned by the controller, and redeemable at the pleasure of the council after one year: *Provided*, That any bonds bearing a less rate of interest than seven per cent per annum may, in the discretion of the common council, be made payable at any time, not more than thirty years from their date and shall not be payable at the pleasure of the council before the expiration of that time. The controller shall keep an accurate record of said bonds and of the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, where and when the same is payable and the person to whom it is issued. The proceeds of said bonds shall be paid into the city treasury and be credited to the funds for which the bonds were issued and applied to the purposes contemplated by this act.

Proviso as to
payment of
bonds, etc.

Dog licenses,
how expended.

SEC. 29. All moneys received from the licensing of dogs or paid to redeem any dog that has been impounded, or received

from the sale of any dog, shall first be applied to the payment of the necessary expenses incurred in the maintenance of the dog pound and the licensing of dogs, and the balance shall be paid into the "police life and health insurance fund." The mayor and the controller are hereby declared the trustees of said fund, and may invest the same as they see fit, and shall have power to draw the same from the treasury for that purpose. Whenever any member of the police force in the actual performance of his duties and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses during the time of his disabilities, as aforesaid, continue and consequent thereon, may become a charge upon the fund provided for in this section, at the discretion of the said board of trustees. The trustees shall inquire into the circumstances and if satisfied the charge upon said fund is correct, may order the same to be paid; but the provisions of this section shall not apply to special policemen appointed at the request and expense of private parties.

Trustees of police life and health insurance fund.

Duty of.

SEC. 30. In addition to the powers already conferred by this chapter, the city of Port Huron is hereby authorized and empowered to bond itself in the sum of one hundred thousand dollars for the purposes of public improvement. Said bonds shall be denominated "public improvement bonds," and shall not be made for a longer period than thirty years.

Bonds for public improvements.

SEC. 31. No bond shall be issued under the power conferred in section twenty-nine of this chapter until the question of the issuance of said bonds shall first be submitted to and approved by the majority of the electors of the city of Port Huron, voting thereon at a regular or special election held for that purpose. If the electors at any such election shall vote in favor of the issuance of said bonds, the common council shall appoint five reputable persons, who shall be electors and tax-payers of said city, said persons and their successors, being first nominated by the mayor, who shall be known as commissioners of public improvements, and upon the recommendation in writing of said commissioners, signed by them, the common council, by a two-thirds vote of the aldermen elect, with the approval of the board of estimates, is hereby authorized to order the issuance of said bonds in such amounts from time to time as may be determined upon by the said common council and the board of estimates, and to negotiate the same at as low a rate of interest as possible, and to place the amounts received therefor to the credit of the public improvement fund: *Provided*, That no such bond shall be issued nor shall the proceeds of the sale of such bonds be used for any other than legitimate corporate purposes.

Question of issuing bonds to be submitted to electors.

Board of commissioners of public improvement.

How bonds to be issued.

Proviso.

SEC. 32. The duties of the board of commissioners of public improvement, shall be to investigate and pass upon the merits of any and all proposed expenditures of money from the public improvement fund. And no money shall be paid out of said fund unless by a majority vote of the board of commissioners of public improvement, and a two-thirds vote of the aldermen elect of the common council of the city of Port Huron.

Duty of board of commissioners.

CHAPTER XVI.

City assessors,
appointment of.

SECTION 1. At the regular meeting of the common council held on the first Monday of May, one thousand eight hundred and ninety-one, or in case of failure to make the appointments, then at any subsequent regular meeting, the mayor shall appoint three persons, qualified electors and tax-payers of the city to be known as city assessors. They shall hold office for one, two and three years respectively, and their appointment shall be confirmed by the common council, and they shall take the necessary oath before they enter upon the duties of their office. Annually thereafter, one assessor shall be appointed subject to the conditions above named, who shall hold office for three years or until his successor is appointed and qualified. No more than two of said assessors shall be of the same political party, and no more than two shall reside on the same side of Black river. Their compensation shall be fixed by the common council but it shall not exceed three dollars each per day, nor shall they be paid for more than sixty days' service each, in each year.

Compensation.

Duty of assessors.

SEC. 2. It shall be the duty of the assessors, between the first day of January and the first day of April in each year, to assess all the property in said city liable to taxation under the laws of this State, now or hereafter in force for the purpose of levying the taxes lawfully imposed thereon, and they shall, for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State.

When lots lie in
one or more
wards.

SEC. 3. If any lot or lots lie partly in two or more wards, the same shall be assessed in the ward where the greater portion of such lot or lots are situated and the said assessors shall describe all lands, tenements or subdivisions thereof, subject to assessment or tax in said city by referring to the number and section of the lot and the owners and occupants thereof, and if the number and section of any lot or owners thereof cannot be ascertained, then by such other sufficient description as such assessor shall deem proper; and if by mistake or otherwise, any person may be improperly designated as the owner of any lot, tenement or premises, such assessment or tax shall not, for that cause be vitiated, but the same shall be a lien on such lot, tenement or premises and collected as in other cases.

Power and
authority of
assessors.

SEC. 4. The assessors shall have power and authority to demand of every person owning, or having in charge, as agent or otherwise, of any property taxable in any ward, a list of such property with such description as will enable him to assess the same. And said assessors shall have and exercise the same power and duties relating to the making of the assessment rolls as are or may be given to supervisors of townships by the general laws of the State, and they shall be governed by such laws except as herein otherwise provided. The assessors shall deliver the assessment rolls to the board of review on the first Monday of April.

SEC. 5. The board of review shall consist of the mayor, city attorney, city controller, and the city assessors. The board of review shall meet at the common council room in said city on the third Monday of April in each year, and continue in session, from day to day, until all of such assessment rolls have been fully and carefully reviewed, corrected and approved, which shall be on or before the fourth Monday in April: *Provided*, That the common council shall have the power to extend the time, not exceeding three days. The board shall have power and it shall be its duty to amend and correct any assessment or valuation and to place upon the assessment roll of the proper ward, any taxable property real or personal not already assessed, held or owned by any person or persons, and to strike from said roll any property real or personal wrongfully thereon. Any person considering themselves aggrieved, by reason of any assessment, may complain thereof, either verbally or in writing, before said board, and on sufficient cause being shown by the affidavit of such person, or oral proof or other evidence to the satisfaction of such board; it shall review the assessment complained of and may alter or correct the same as to the person charged thereby the property described therein and the estimated value thereof, and may increase or diminish any assessment as it may see fit. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board or a majority of them having completed the review and correction of said assessment roll, shall sign and return the same to the common council at a meeting of said council to be held on the evening of the first Monday in May. The board shall elect one of their own members as chairman, and the city clerk shall be the clerk of said board. It shall be the duty of such clerk to keep a record of all the proceedings of said board in a book provided for that purpose; to make regular entries of all resolutions and decisions on all questions; to record the vote of each member of said board on any question submitted to the board if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. No assessment shall be changed in any way except by a motion or resolution regularly put and adopted by a majority of the members of said board, which motion or resolution shall state the amount at which the assessment is fixed as reviewed by said board. Each day's proceedings of said board shall be read, approved and signed by the chairman thereof.

Board of review.
Time and place
of meeting.

Proviso.

Rights of ag-
grieved persons.

Roll to be signed
and returned to
council.

SEC. 6. The assessors shall cause a notice to the tax-payers of said city to be published in the official newspaper of the city and in one other newspaper published in said city, for two weeks prior to the time of any meeting of said board of review, stating the time and place of meeting of said board, and the object for which it will meet; which notice shall be continued on each publication day of said paper during the session of said board, but a failure to give such notice shall not invalidate the tax.

Notice of meet-
ing to be given.

Right to appeal.	SEC. 7. The common council, after receiving said assessment rolls, shall proceed to consider the same, and any person considering himself aggrieved by the assessment of his property, and the decision of such board of review thereon, may appeal to the common council at said session. Every appeal shall be in writing, and shall state specially the grounds of the appeal and the matter complained of. Any member of said board of review may meet with the common council and make such explanations as he may deem requisite in any case.
Appeal to be in writing.	
Council to hear appeals.	SEC. 8. The common council shall hear and determine all appeals in a summary manner and correct any errors which it may discover in the assessment rolls and place thereon the names of any persons and a description of any property not already assessed, and assess the same, and may increase or diminish any assessment as they may determine: <i>Provided</i> , That they shall not increase any assessment of property without giving a reasonable opportunity to the persons owning or having charge of the same, if known, to appear and be heard.
Proviso.	
Continuation of review by council.	SEC. 9. The common council may continue the consideration of said assessment rolls and the hearing of said appeals from session to session for a period not exceeding one week after the time when they are to be first considered as above provided, and on or before the expiration of one week they shall be fully and finally confirmed by the common council.
Duty of controller.	When said assessment rolls have been confirmed by the common council as provided for in this section, it shall be the duty of the controller to forthwith make copies of said assessment rolls, which copies shall be known as the tax rolls, and as soon as the city, school and highway taxes are fixed and determined he shall apportion, spread and extend on such tax rolls all the taxes authorized to be raised for city, school and highway purposes in said city, including the mill tax, and for the purpose of avoiding fractions may proceed as provided in the general laws of the State; and on or before the fifteenth day of July, in each year, he shall deliver said rolls with the city, school and highway taxes spread, extended and apportioned thereon to the city treasurer, taking his receipt therefor and charging him with the amount thereof.
When tax due and payable.	Upon the receipt of the tax rolls by the city treasurer as hereinbefore provided, the tax therein stated shall become a debt due and payable to the city, and the city treasurer shall forthwith upon the reception of said tax rolls give six days' notice by publication in a daily paper published in said city, and by posting the same in at least six public places in each ward, which notice shall be a sufficient demand for the payment of all taxes on said rolls, that such tax rolls have been deposited with him, and that payment of the taxes therein specified may be made to him at any time up to and including the thirty-first day of October thereafter; that no addition will be made to taxes paid before the first day of August, but that an addition of one <i>per centum</i> of every unpaid tax will be made
Treasurer to give notice by publication.	

thereto on that day, and a like addition of one *per centum* every month thereafter until the first day of November next succeeding; and the amount of the tax and of such additions as are hereinbefore specified shall thenceforth be the unpaid tax: *Provided, however,* That the failure to give the notice specified in this section for the payment of such tax shall not invalidate the said tax nor relieve the persons assessed from the penalties herein specified.

Proviso.

SEC. 10. The controller shall keep the assessment rolls in his office until the meeting of the board of supervisors of St. Clair county, and have such rolls then and there, which rolls, after equalization by such board shall be the assessment rolls for all purposes whatsoever.

Controller to keep rolls in his office, etc.

SEC. 11. On the first day of November the city treasurer shall return said tax rolls to the controller who shall at once apportion, spread and extend thereon all State and county taxes certified to him by the board of supervisors, at the same time and in the same manner as township supervisors are or may be by law required to do, and shall annex thereto a warrant directed to the city treasurer of said city, signed by him and in all other respects the same, as near as may be, as is or may be by law required in warrants of township treasurers, for the collection of State, county and township taxes. The controller shall, on or before the first day of December, cause the rolls to be delivered to the city treasurer, who shall give a receipt therefor, and he charged therewith. The treasurer shall receive all taxes on said roll except such as have been paid, without charging any percentage thereon until the first day of January in each year, and shall mark on the tax roll as paid all taxes paid to him, and on the first day of January, or within ten days thereafter, he shall pay to the county treasurer all State and county taxes received by him.

Controller to spread State and county tax, etc.

To annex warrant.

Controller to deliver rolls to city treasurer.

SEC. 12. On the first day of January or within ten days thereafter the city treasurer shall ascertain from the rolls the amount of taxes uncollected in each ward, and shall give to the deputy treasurers a statement of the amount uncollected in each ward, which statement shall show the amount of State and county taxes uncollected, the amount of school taxes uncollected and the amount of all other taxes uncollected, and within five days after the receipt of such statement it shall be the duty of each deputy treasurer to give to the county treasurer a bond with sureties to be approved by him and running to the county of St. Clair, in double the amount of the State and county taxes uncollected by said city treasurer, and conditioned as required by the general laws of the State relating to town treasurers. Said deputy treasurers shall also give a bond running to the board of education in double the amount of the school taxes uncollected, with sureties to be approved by the board or its chairman and conditioned that they will pay over to the treasurer of said board all school moneys collected by them and further conditioned as the board may direct. And said deputy treasurers shall also give a bond running to the city of Port

Treasurer to ascertain amount of tax uncollected.

To give statement to deputies.

Deputy to give bond to county treasurer.

To give bond to board of education.

To give bond to city of Port Huron.

In case of failure to give bonds.

Huron in double the amount of all other taxes uncollected by the city treasurer, with sureties to be approved by the common council or by the mayor and city controller and conditioned according to section five, of chapter four, of this act, and further conditioned as the common council may require. And in case of the failure of any deputy treasurer to give each and all of such bonds, his office shall be vacant and the city treasurer shall appoint, subject to confirmation by the common council, some person as such deputy treasurer who shall give each and all bonds hereinbefore required and take the constitutional oath of office. Upon the presentation of certificates from the proper officers showing the giving and approval of all such bonds the treasurer shall deliver to such deputy treasurers the tax rolls for the several wards taking their receipt therefor.

Duty and power of deputy treasurers.

SEC. 13. Said deputy treasurers shall collect said taxes charged in said rolls not marked paid, together with their fees, which shall be the same as allowed by law, to town treasurers, in the manner provided by law, and for such purpose they shall have the same power and authority as is now given by law to town treasurers. The deputy treasurers shall, within ten days, after the expiration of their warrants, or, in case of extension of time for collecting such taxes, within ten days after such time has expired, pay over to the treasurer of the board of education the full amount payable to him, and to the county treasurer the amount which by law is payable to him, and shall make his returns according to the general laws of the State relating to township treasurers, except as herein otherwise provided, and such general laws shall govern in all things not herein otherwise provided for.

Taxes a lien.

SEC. 14. The taxes so assessed shall be a charge against the person owning or occupying the property so assessed and a lien on the property as provided for in the general laws of the State.

Duties of council in school, county and State tax.

SEC. 15. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships in this State in reference to school taxes, county and State taxes, the support of the poor, and State, district and county elections, and the supervisors, justices of the peace, clerk and all other officers of said city who are required to perform the duties of township officers of this State shall take the oath, give the bonds, perform like duties and receive the same pay and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be prescribed by ordinance.

Duties of certain other officers.

How taxes to be assessed, levied and collected.

SEC. 16. All State, county and school taxes in said city, and all city and highway taxes shall be assessed and levied upon the same property, and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of taxes by township officers, except as herein otherwise provided, and all proceedings for the return, sale, and redemption of real estate for the non-payment of taxes shall be in

conformity with the proceedings for the return, sale, and redemption of real estate by township officers, except as herein otherwise provided.

SEC. 17. Such treasurer shall, after the tax roll comes the second time into his hands, give notice by publishing the same in one newspaper published in said city, and by posting the same in three public places in each ward of said city that the roll is in his office, and of the time when by law he will be authorized to receive the taxes thereon: *Provided*, That any defect in said notice or any omission to comply with the provisions of this section, shall not invalidate said tax roll, or any measure thereafter to be taken to enforce collection of the taxes thereon assessed. Such notice shall be published in said newspaper for two successive weeks.

Notice to be published and posted.

Proviso.

SEC. 18. The controller shall perform such duties in relation to the finances, accounts and other matters of the city, as shall be prescribed by ordinance; and shall have and exercise within the city, all the powers and duties and authority of supervisors of townships, as provided by the laws of the State, except as herein otherwise provided. The controller shall have a seat in and attend the sessions of the common council, and may discuss all questions and matters that come before the council, but shall have no vote therein. The controller and supervisors elected in the several wards of said city, shall be members of the board of supervisors of St. Clair county.

Duties of controller, etc.

To have seat in council but no vote.

SEC. 19. It shall be the duty of the common council on or before the first Monday in May to determine by resolution the amount necessary to be raised by tax for city purposes within said city for such year, and it is hereby made the duty of the controller of said city after said tax has been submitted to and approved by the board of estimates to levy the sums so determined upon, and such other taxes as may be required by law, upon the taxable property of said city in the manner specified in this act, no real or personal property which shall be exempt from taxation by the general law of this State shall be assessed for the ordinary city or county taxes; nor shall any public square, park or other public ground be assessed for any tax or assessment whatever. The common council may be authorized by the board of estimates to raise a tax for any specific purpose.

When council to determine amount of tax, etc.

Property exempt.

SEC. 20. The controller and the supervisor in each ward in which the territory added to the city by the amendment to section three, chapter one, has been attached shall, on or before the twentieth day of May, eighteen hundred ninety-one, assess at its cash value, all the real and personal property subject to taxation by the laws of this State within the limits of the territory added to the city by said amendment to section three, chapter one of this charter. And the controller shall make out a complete assessment roll, and deliver such roll when completed to the board of review as at present constituted on or before the fourth Monday of May, eighteen hundred ninety-one. Said board of review shall meet at the common

Assessment of property in territory attached, etc.

council rooms of said city on the fourth Monday of May, eighteen hundred ninety-one, and shall remain in session three days, and the provisions of chapter sixteen of this charter shall apply to said meeting. The board or a majority of them, having completed the review and correction of said assessment rolls shall sign and return the same to the common council at a meeting of said council to be held on the evening of the first Monday of June, eighteen hundred ninety-one. At said meeting the provisions of sections six, seven and eight of chapter sixteen of this charter shall apply. The provisions of chapter sixteen of this charter shall regulate the assessment and collection of taxes under this amendment.

CHAPTER XVII.

SPECIAL ASSESSMENTS. SECTION 1. The common council shall have power and authority to levy and collect special assessments for the following purposes:

Grading, etc. *First*, To defray the cost and expense of grading, curbing, paving, graveling, claying, planking or macadamizing any of the streets, lanes, alleys, highways or avenues of the city, or of improving the same by a combination of any of such methods;

Repairs of streets, etc. *Second*, To defray the cost and expense of repairing any of the streets, lanes, alleys, highways, or avenues of said city, so improved, when the number of square yards to be repaired in any given block in one year shall exceed ten per cent of the total number of square yards in such block;

Drains and sewers. *Third*, To defray the cost and expense of constructing or repairing drains and sewers in said city;

Sidewalks, etc. *Fourth*, To defray the cost and expense of constructing or repairing sidewalks in said city: *Provided, however*, That none of the improvements mentioned in this section excepting those mentioned in part four shall be made without the concurring vote of two-thirds of the aldermen elect: *And provided further*, That no street, lane, alley, highway or avenue shall be paved until a plan of sewerage is adopted for the district where the same is to be built, and if such plan provides for a sewer on such street, lane, alley, highway or avenue, then the same shall not be paved until such sewer is constructed, unless such plan of sewerage provides for sewers outside of the portion of the street proposed to be paved.

Power to repave, etc. SEC. 34. The city of Port Huron shall have power and authority to repave the streets, lanes, alleys, avenues and highways in said city, the same to be paid for by general taxation: *Provided*, That in case the cost of repavement shall exceed the cost of the pavement replaced, the council shall have power and authority to levy and collect all such excess by special assessment on the property fronting, touching or abutting on such street, lane, alley, avenue or highway, in the manner already provided in this chapter for the levying and collecting of the expense of paving in front of private property.

Proviso.

SEC. 35. The common council shall, with the approval of the board of estimates, have power to provide for the repaving fund by borrowing upon the faith and credit of the city and upon the best terms that can be made, such sum of money as shall be deemed necessary and expedient and to issue the bonds of said city therefor: *Provided*, That the cost of repaving done in any one year shall not exceed the sum of twenty thousand dollars and that there shall not be outstanding at any one time repaving bonds to exceed the sum of thirty thousand dollars.

Council to provide repaving fund.

Proviso.

SEC. 36. Whenever a petition shall be presented to the common council asking for the repaving of any street, lane, alley, avenue or highway in said city, the same shall be referred to the superintendent of public works as provided in the chapter of this act relating to the superintendent and upon the coming in of his report the council shall determine by resolution as to the necessity and propriety of doing such work or making such improvement, a two-thirds vote of the aldermen elect being necessary to determine in favor of the same, and if they shall determine in favor of the same or any part thereof, they shall also determine the kind of pavement and the material to be used in its construction. Said resolution shall also provide that in case the cost and expense of doing such repaving shall, on account of the kind or style of pavement proposed to be laid or the material to be used in its construction, exceed the cost of the pavement replaced that said excess shall be levied and collected upon the property fronting, touching or abutting on such street, lane, alley, avenue or highway in accordance with the provisions of this chapter for the levying and collecting of special assessments.

Petition for repaving to be referred to superintendent of public works.

Council to determine necessity by resolution.

Resolution to provide what.

SEC. 37. The council may revise, correct, amend or change the plans and specifications and upon their being finally approved and adopted the common council shall direct the superintendent of public works to advertise, in such manner as they may direct, for proposals for doing such work and furnishing the material therefor according to the plan and specifications and that no bid shall be received unless accompanied by a good and sufficient bond, which bond shall be in such amount and be conditioned as the council may require, and such other proceedings shall be had up to the awarding of the contract as is required by the preceding sections of this chapter for levying special assessments.

Council may review plans, etc.

SEC. 38. If upon the awarding of the contract it shall be found that the cost and expense of said repaving shall exceed the cost of the pavement or improvement replaced, the common council shall by resolution determine the amount of such excess and shall fix the limits of the special assessment district upon which such excess shall be levied, which shall include the lots and premises fronting, touching or abutting on such street, lane, alley, avenue or highway so proposed to be repaved. The common council shall thereupon direct the engineer to make out a special assessment roll to defray the additional cost

In case cost of repaving exceeds cost of pavement replaced, etc.

Engineer to
make special
assessment roll.

and expense of said repavement in excess of the cost of the pavement replaced, as determined upon by the council, and such further proceedings shall be had in levying and collecting such special assessment as is now provided in this chapter for the levying and collecting of special assessments to defray the cost and expense of paving in said city.

Special assess-
ments a lien.

SEC. 39. All special assessments levied upon property in case of repaving, under the provisions of this chapter, shall be a lien upon such property until paid into the city treasury.

This act is ordered to take immediate effect.

Approved May 8, 1891.

[No. 319.]

AN ACT to incorporate the city of Harrison, in the county of Clare.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all that certain tract or parcel of land situate in the township of Hayes, in the county of Clare, and State of Michigan, known and described as follows, viz.: All of sections twenty, twenty-one, twenty-eight and twenty-nine, in township nineteen north, of range four west, constituting the village of Harrison, be and the same is hereby declared and constituted a city corporate to be known as the city of Harrison.

Division into
wards.
First ward.

SEC. 2. Said city of Harrison shall be divided into three wards, as follows: All that territory lying south of the following line commencing at a point six hundred sixty feet north of the southwest corner of section twenty, town nineteen north, of range four west, thence running east and terminating at a point six hundred sixty feet north of the southeast corner of section twenty-one, in said town shall be the first ward of said city; all that portion of said city lying east of the following line, viz.: Commencing at a point eight hundred twenty-five feet west of the quarter post on north side of section twenty-one, town nineteen north, range four west, thence running south and terminating at a point in the first above described line eight hundred twenty-five feet west of the quarter line running north and south through said section twenty-one, shall be the second ward of said city; the third ward shall embrace all the remaining territory of said city described in section one of this act.

Second ward.

Third ward.

Officers to be
elected.

SEC. 3. In each ward a supervisor, two alderman and one constable shall be elected.

Governed by
general law.

SEC. 4. Said city shall in all things be governed and its powers and duties defined by the provisions of chapters eighty and eighty-three of Howell's Annotated Statutes of this State, and all acts amendatory thereto [and supplemental thereto,] except as herein otherwise provided.

SEC. 5. The supervisors of each ward, shall, in addition to their other duties and powers, be *ex officio* members of the board of supervisors of Clare county and shall each have all the rights, privileges and powers of the several members of such board of supervisors.

Ex officio members of board of supervisors.

SEC. 6. Said city of Harrison shall assume and pay all the indebtedness of said village of Harrison, and all the property of said village of Harrison, both real and personal, shall revert to and be owned by said city of Harrison.

City to assume indebtedness of village.

SEC. 7. All ordinances, by-laws, regulations, resolutions, and rules of the common council of the village of Harrison now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council under this act and after the same shall take effect.

Ordinances to remain in force.

SEC. 8. The city of Harrison together with the following sections, viz.: Sections nineteen, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, south half of twenty-two, south half of thirteen, of town nineteen north, range four west shall constitute a single school district, which shall be a body corporate by the name and style of the "public schools of the city of Harrison," and be subject to the provisions of act number one hundred and seventy-eight of the public acts of eighteen hundred and seventy-three, approved April twenty-ninth, eighteen hundred and seventy-three and acts amendatory thereto and supplemental thereto and that all territory constituting said school district and not included within the corporate limits of said city of Harrison shall be assessed and the taxes levied for school purposes by the supervisor of the township of Hayes and the moneys so levied shall be collected by the treasurer of the township of Hayes and by him paid to the treasurer of the city of Harrison on or before the first Monday in April in each year; it is also provided that the general law relative to the assessment of property, levying and collecting of taxes in townships shall be followed in all things as to that portion of land not included in the corporate limits of said city, and that said territory not included in the corporate limits of said city, shall not be subjected to any taxes for school purposes except as herein provided.

Single school district.

Body corporate.

Taxes for school purposes.

SEC. 9. That the officers of the village of Harrison shall hold their respective offices until the election and qualification of officers to be elected under this act.

Present officers to hold until successors elected.

SEC. 10. The first election in said city shall be held on the second Monday of May next. The polling places and boards of registration for such first election shall be as follows: In the first ward, at the residence of John H. Canfield; in the second ward, at Wilson's opera house; in the third ward, at the village council room.

First election.

Polling places.

SEC. 11. The following named persons shall constitute a board of registration and of election inspectors in the several wards of said city, at the first election to be held therein, to wit: In the first ward, John H. Canfield, Henry H. Bogue and

Board of registration, etc.

Samuel A. Wilson; in the second ward, William H. Wilson, Seely P. Hall, and Emmett E. Bracy; in the third ward, John Quinn, George F. Drake, and Willis E. Green. If any of the above named parties shall be for any reason unable to attend at the meeting of the board of registration, or of the election inspectors of the several wards, respectively, the electors present shall have the power to fill such vacancies.

Election at other
than time
specified.

Notice of.

SEC. 12. In case the said first election shall not be held at the time designated in this act, the election for the first officers of the proposed municipality may be held at any time within one year from the time designated in this act, on notice being given, by posting notices thereof in at least three conspicuous places in each ward ten days before election, by the board of inspectors of election designated by this act; said board of registration and inspectors of election shall give ten days' notice of said first registration and election under this act.

This act is ordered to take immediate effect.

Approved May 7, 1891.

[No. 320.]

AN ACT to incorporate the village of Atlanta, in the county of Montmorency.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That so much of the township in the county of Montmorency, as is embraced in the following described land to wit: Entire section twelve, in town thirty-two north, of range two east be and the same is hereby made and constituted a village corporate by the name of the village of Atlanta.

First election.

SEC. 2. The first election of officers for said village shall be held on the third Monday in April, eighteen hundred and ninety-one, at Atlanta hall in said village.

Board of
registration.

SEC. 3. A. J. West, Wm. J. Coffron, Wm. McNaughton are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village and said board of registration is hereby directed to meet on the Saturday preceding the said third Monday in April and register the names of all persons residents of said village presenting themselves for registration and having the qualifications of voters under the constitution of this State.

Notice of first
election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the most public places in said village at least five days before the date of said election, which notice may be signed by any five electors in said village.

Governed by
general law.

SEC. 5. The said village of Atlanta shall, in all things not herein otherwise provided, be governed by an act entitled "An act granting and defining the powers of incorporated villages," approved April first one thousand eight hundred and seventy-five, and all the acts amendatory thereof.

SEC. 6. In case the officers for said village are not elected at the time designated in section two of this act, an election for such officers may be held at any time within one year from the time designated in said section, notice thereof being given as provided in section four of this act.

Election at other than time specified.

This act is ordered to take immediate effect.

Approved May 9, 1891.

[No. 321.]

AN ACT to authorize the city of Saginaw to borrow money to be used in procuring right of way for, and approaches to and the building of three bridges across the Saginaw river for the city of Saginaw in the county of Saginaw, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Saginaw be and it is hereby authorized and empowered to borrow, on the faith and credit of said city, the sum of not exceeding seventy-five thousand dollars for a period not exceeding twenty years at a rate of interest not exceeding five per cent per annum and to make, execute, negotiate, issue and sell the bonds of said city therefor, with proper interest coupons attached thereto, in such manner as said common council shall determine, which said bonds in no case shall be sold for less than their par value.

Authorized to borrow money.

Limit of loan, time and rate of interest.

May issue bonds therefor.

SEC. 2. Said bonds shall be denominated bridge bonds and the proceeds thereof shall be used in defraying the expense of procuring the right of way for, and approaches to and the building of three bridges across Saginaw river for the city of Saginaw, in Saginaw county, which said bridges if built shall be located as follows: One from a convenient place in the village of Carrollton to the opposite shore, one at the foot of Court street in said city, and one at or south of the foot of Wayne street in said city, and for no other purposes, but no contract shall be let or money expended for the building of said Wayne street bridge until the contract shall be let for the building of the first two named and work begun thereunder.

How bonds to be denominated and proceeds used.

Location of bridges.

SEC. 3. Said improvements shall be made and money expended therefor by the board of public works of said city under the direction of the common council.

Improvements to be made by board of public works, under control of council.

This act is ordered to take immediate effect.

Approved May 8, 1891.

[No. 322.]

AN ACT to authorize the city of Saginaw to borrow money to be used in straightening, widening and filling Genesee avenue from the Saginaw river westerly to Michigan avenue in said city and to issue bonds therefor.

Authorized to
borrow money.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Saginaw be, and it is hereby authorized and empowered to borrow, on the faith and credit of said city, the sum of not exceeding fifty thousand dollars for a period not exceeding twenty years at a rate of interest not exceeding five per cent per annum, and to make, execute, issue, negotiate and sell the bonds of said city therefor, with proper interest coupons attached thereto, in such manner as said common council shall determine, which said bonds shall in no case be sold for less than their par value.

To be designated
street improve-
ment bonds.

SEC. 2. Said bonds shall be denominated [general] Genesee street improvement bonds, and the proceeds thereof shall be used in defraying the expense of straightening, widening and filling Genesee avenue from the Saginaw river westerly to Michigan avenue in said city, and for no other purpose.

To be expended
by board of
public works.

SEC. 3. Said improvements shall be made and money expended therefor by the board of public works of said city under the direction of the common council.

This act is ordered to take immediate effect.

Approved May 8, 1891.

[No. 323.]

AN ACT to amend sections one, three, seven, eight, ten, eleven, twelve, seventeen, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, sixty-one, sixty-four, sixty-eight, seventy-eight, seventy-nine, eighty, one hundred, one hundred and six, one hundred and thirty, one hundred and sixty-eight, one hundred and sixty-nine, and one hundred and seventy-two of an act entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof, and to repeal sections eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight and eighty-nine of said act.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all the district of country in the county of Bay and State of Michigan, embraced within the following described limits, is hereby constituted and still declared to be a city, by the name of Bay City; said district of country being included within the following limits, to wit: Beginning at a point in the middle of the Saginaw river where the section line between section four-

teen and fifteen in town fourteen north, of range five east, crosses said river, thence southerly on a line between said sections fourteen and fifteen and sections twenty-two and twenty-three to the north line of Fillmore place, according to the Carroll park plat; thence easterly along said north line of said Fillmore place, if extended, about sixteen hundred feet to the east line of a tract of land owned by the Bay county agricultural society; thence southerly on said east line of said agricultural society's land about twenty-two hundred and sixty-one feet to the center line of Center avenue; thence southerly on said line if extended to the section line between sections twenty-three and twenty-six in township fourteen north, of range five east; thence westerly on said section line to the northeast corner of section twenty-seven, town fourteen north, of range five east; thence southerly along the east line of section twenty-seven in said township to a point where the center line of Fifteenth street, if extended east would intersect said section line; thence westerly along the center line of said Fifteenth street to the north and south quarter line of said section twenty-seven; thence southerly on said quarter line of section twenty-seven and the quarter line of section thirty-four in said township, to the center of section thirty-four; thence westerly on the quarter line to the west section line of said section thirty-four; thence southerly to the section line between sections thirty-three and thirty-four to the southeast corner of section thirty-three; thence westerly on a line between sections thirty-three and section four to the quarter line of said section four in township thirteen north, of range five east; thence southerly on the quarter line through sections four and nine to the center of said section nine; thence westerly on the quarter line through sections nine and eight in the said last mentioned town, to the center of Saginaw river; thence northerly and easterly upon a line passing along the center of said Saginaw river to and through the center of the island in said river known as the Middle Ground; and thence to and along the center of said river to the place of beginning.

SEC. 3. The said city shall be divided into eleven wards. Wards.
 The first ward shall embrace all that part of said city north of a line commencing in the center of the Saginaw river at the foot of Second street, running thence along Second street to Johnson street, thence northerly along Johnson street and Belinda street to the Saginaw river, thence up and along said river to the place of beginning. First ward.
 The second ward shall embrace all that part of said city lying between the center line of Second street and the center of Fifth street west of the center line of Lincoln street. Second ward.
 The third ward shall be bounded Third ward.
 as follows: South by the center line of Tenth street, west by the Saginaw river, east by the center line of Lincoln street and north by a line commencing in the Saginaw river where the center line of Sixth street intersects the same, thence east along the center line of Sixth street to Van Buren street, thence north along Van Buren street to Fifth street, thence

- Fourth ward. east along Fifth street to Lincoln street. The fourth ward of said city shall embrace all that part of said city between the center line of Tenth street and the center line of Sixteenth street west of the center line of Lincoln street.
- Fifth ward. The fifth ward of said city shall embrace all that part of said city between the center line of Twenty-sixth street extended across said city, and a line commencing at the foot of Twenty-third street in Saginaw river, running thence easterly along the center line of Twenty-third street to the north and south quarter line of section thirty-three in town fourteen north, range five east, thence north to the north line of said section thirty-three, thence east along the section line to the east line of said city. The sixth ward shall embrace all that portion of said city lying south of the center line of Twenty-sixth street extended across said city and north of a line between fractions two and three in section thirty-two, town fourteen north, range five east, extended across said city to the east line thereof.
- Sixth ward. The seventh ward shall comprise all that portion of said city lying south of the extended east and west line between said fractions two and three and the southern limits of said city.
- Seventh ward. The eighth ward shall embrace all that portion of said city between the center line of Sixteenth street extended across said city and a line commencing in the Saginaw river at a point where the center line of Twenty-third street intersects the same, thence east along the center line of Twenty-third street to the north and south quarter line of section thirty-three, thence north to the south line of section twenty-eight, thence east along the section line to the eastern limits of said city.
- Ninth ward. The ninth ward shall be bounded as follows: On the north by the center line of Fifth street, on the east by the center line of Van Buren street, on the south by the center line of Sixth street and on the west by the Saginaw river. The tenth ward shall embrace all that part of said city north of the center line of Second street and east of the center line of Johnson street and Belinda street. The eleventh ward shall embrace all that part of said city lying between the extended center line of Second street and Sixteenth street, and east of the center line of Lincoln street. The ward officers of said city elected for the respective offices in the several wards as so bounded and numbered in which they reside shall continue to hold their respective offices until the term for which they are elected shall expire: *Provided*, That when any vacancy in any of the ward offices may occur in said city by reason of this act such vacancy shall be filled by appointment of the mayor, and the persons so appointed shall hold their respective offices until their successors shall be elected and qualified.
- Tenth ward.
- Eleventh ward.
- Ward officers to hold until expiration of term, etc.
- Proviso.
- What to constitute common council.
- Quorum.
- Meetings.
- SEC. 7. The mayor, recorder and aldermen when assembled together and organized, shall constitute the common council of Bay City, and a majority of all the aldermen elect shall be necessary to constitute a quorum for the transaction of business, but a less number may adjourn from time to time. The council may be summoned to hold their meetings at such time and place

as the mayor, or in the case of his absence or inability to act, the president of the council may appoint. At the first regular meeting of the council in each year, the council shall elect one of their number president of the council, who, in the absence of the mayor, shall preside over the sessions thereof, and exercise the power and duties of president of the council, and shall have a vote on all questions. The council shall have power to send for, and compel the attendance of any of the members thereof, or of any officer of said city, and to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for non-attendance at any meeting by such member or officer. No alderman shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote unless excused by the unanimous consent of the council. No alderman shall be personally interested in any contract for any public improvement in said city. The mayor shall preside at all meetings of the council and in his absence the president of the council shall preside. But in case of the absence of both mayor and the president of the council, the council shall have the power to appoint a president *pro tempore*. In case of the death, continual absence or resignation of the mayor, or in the case of his inability to perform the duties of his office, the same shall devolve upon the president of the council, and if there be no such president of the council, the said duty shall devolve upon the president *pro tem* of the council, until the mayor is able to attend to his duties or the vacancy is filled as provided by the charter. The person upon whom such duty shall devolve, shall be styled "acting mayor," and shall possess the full powers of mayor in case of the death, resignation or removal of the mayor, but in all other cases shall possess the powers of mayor in matters not admitting of delay, and shall have no power to make any permanent appointments. The mayor, or "acting mayor," shall file with the recorder his objections in writing to any ordinance, resolution or order of the council within three days after the passage of the same, setting forth his reasons for disapproving of the same, then such ordinance, resolution or order of the council shall not become operative or take effect, unless again passed or adopted by a vote of two-thirds of all the aldermen elect.

SEC. 8. The council shall have power to appoint an attorney, a street commissioner, a director of the poor, a surveyor, and such other officers whose election is not especially provided for in this charter, as they may deem necessary to carry into effect the powers in this act granted. The city attorney, city surveyor and street commissioner shall each hold his office for two years: *Provided*, That in case of a tie vote by the council on a vote of all the aldermen elect, in any of such appointments, the mayor shall have a right to vote. Any person appointed to any office whether upon the nomination of the mayor or otherwise may be removed therefrom by the council upon a vote of two-thirds of all the members elect voting therefor. Any person holding office by election, except 'the

President of the council, etc.

May compel attendance, etc.

President pro tem.

In case of death, etc., of mayor, etc.

Acting mayor, etc.

Veto power.

Appointed officers.

Terms of office, etc.

Proviso.

Removals, etc.

mayor, recorder and justice of the peace, may be removed therefrom by the council for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, or for any violation of any of the ordinances of the council by a two-thirds vote of all the aldermen elect. In such case the reason for removal shall be entered in the records of the council, with the names and votes of the members voting on the question. No officer holding office by election shall be removed by the council, unless first furnished with a copy of the charges against him, in writing, and allowed to be heard in his defense with the aid of counsel. The council shall have power to issue subpoenas under the hand of the mayor or their chairman, to compel the attendance of witnesses and the production of papers, and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges his default shall be deemed good cause for removal. Every person appointed by the council shall take and subscribe the constitutional oath of office, and file the same with the recorder within ten days after such appointment. Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council.

Oath.

Official bond.

Additional power
of council.

SEC. 10. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall, have power within said city to enact, make, continue, establish modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable, within said city for the following purposes:

Purity of waters,
etc.

First, To provide for and preserve the purity and salubrity of the waters of the Saginaw river; to prohibit and prevent the deposit therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of said river and other navigable waters within the limits of said city; to prohibit and prevent the depositing or keeping therein of any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting and mooring of vessels, and laying out of cargoes and ballast from the same, and to appoint so many harbor-masters as they may deem necessary, and to prescribe their powers, duties and compensation;

Ferries.

Second, To license, continue and regulate so many ferries and bridges, from within said city to the opposite shore of Saginaw river for carrying and transporting passengers and property across said river in such manner as shall be deemed most conducive to the public good;

Third, To erect, repair and regulate public wharves and docks at the ends of streets and on the property of the corporation; to regulate the erection and repair of private wharfs and docks, so that they shall not extend into the Saginaw river beyond a certain line, to be established by the council, and to prohibit the incumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicles, dray or anything whatsoever; to lease the wharfs and wharfing privileges, at the end of the streets, upon such terms and conditions, and under such covenants and with such remedies, in case of non-performance, as the common council may direct; but no buildings shall be erected thereon; no lease thereof shall be executed for a longer period than two years, and a free passage at all times and for all persons and their baggage shall be maintained;

Wharves, docks,
etc.

Fourth, To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches;

Drainage.

Fifth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other building on such streets, alleys and places, or within such limits in said city as the council may from time to time prescribe; to prohibit and prevent the removal or change of location of wood or frame buildings within said limits, or from any part of said city to any lot or lots on such streets or places within said limits to prevent the rebuilding or repairing of wooden, brick or other buildings on said streets, alleys and places, or within said limits, when decayed, out of repair, damaged by fire or otherwise. To prohibit and prevent within such places, limits or districts in said city as the common council may from time to time prescribe, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, slabs, staves, edgings, wood or other easily inflammable materials, when in the opinion of the council the danger from fire is thereby increased; to regulate the use of lights in buildings, and generally to pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires;

Wooden buildings in fire limits.

Shops, lumber yards, etc.

Sixth, To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation;

Weights and measures.

Seventh, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in vessels or in other mode to said city, from any port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor;

Paupers.

Eighth, To erect and provide for the erection of a city hall and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same, and to purchase and sell real estate for the use of said

City hall, etc.

- corporation for corporate purposes and to prohibit and punish injuries to public buildings and property;
- Vice and immorality.** *Ninth,* To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots disturbances and disorderly assemblages and conduct;
- Disorderly houses and gambling.** *Tenth,* To restrain and prevent disorderly and gaming houses and houses of ill-fame, the holding, keeping, or using of all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices and regulate or restrain billiard tables and bowling alleys;
- Liquors.** *Eleventh,* To regulate the sale or giving away of spirituous or fermented liquors in compliance with the general law of this State in relation thereto, and to prevent the maintenance of any saloon or other place where malt, brewed, fermented, vinous or spirituous liquors are sold or kept for sale within six hundred feet from any church, parochial school, public school or cemetery in said city;
- Vagrants.** *Twelfth,* To apprehend, restrain and punish all drunkards, vagrants, mendicants, street beggars, prostitutes and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct;
- Public exhibitions.** *Thirteenth,* To prohibit and prevent, or license and regulate the public [exhibition] exhibitions by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common [showmen] showman, and shows of any kind, and to revoke such license at pleasure;
- Nuisances.** *Fourteenth,* To declare and define what constitutes a nuisance and to prohibit, prevent, abate and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter-house, stable, privy, hog-pen, sewer or other offensive house or place, to cleanse, remove, or abate the same as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city;
- Slaughter-houses, etc.** *Fifteenth,* To direct, regulate or prohibit the location and maintenance of all slaughter-houses, markets and buildings for storing gunpowder, and other combustible substances, and prohibit or regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naphtha, saltpetre, benzine, benzole, petroleum, kerosene oil, fire-crackers, fire-works and all other combustible substances, and the using thereof, the using of lights in barns, stables and other buildings, and the making of bonfires;
- Obstruction of streets, etc.** *Sixteenth,* To prevent the incumbering or obstructions of streets, sidewalks or cross-walks, lanes, alleys, bridges, wharves or slips in any manner, or with any materials or things of any kind or nature whatsoever and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions; to cause the removal of any such obstruction or incumbrance by

some city officer, and to cause the expense of such removal to be assessed on the abutting property and the taxes to be levied and collected in the same manner as herein provided for the levy and collection of local taxes for special improvements, the expense of which is assessed on the property specially benefited according to the benefits derived. Any assessment so made and tax so levied shall be a lien on the lands so assessed after the assessment roll shall have been confirmed. To control, prescribe and regulate the use and enjoyment of streets, alleys, squares and other public places in the city;

Seventeenth, To prevent immoderate riding or driving in any street, to compel persons to fasten or secure their horses or other animal while standing in any of the streets or alleys of the city, and to authorize the stopping and detaining of any person who shall be guilty of any immoderate riding or driving in any street, and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood or other obstructions; Fast driving, etc.

Eighteenth, To prevent and regulate the running at large of dogs, to impose taxes for the keeping of dogs; to require them to be muzzled and to authorize their destruction when running at large in violation of any ordinance; Dogs.

Nineteenth, To determine and designate the route and grades of any railroad or street railway now in or hereafter to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city, and to compel the owners and managers of such roads to station flagmen, and to erect and maintain safety gates, at street crossings and to make such rules and regulations concerning the same as to secure the safety of the citizens; Routes, etc., of railroads, etc.

Twentieth, To prohibit and prevent any indecent exposure of the person; the show, sale or exhibition of any indecent, or obscene books, pictures or pamphlets, and all indecent or obscene exhibitions or shows of any kind, and all indecent, immoral, profane or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters within or adjoining said city; Obscene literature, etc.

Twenty-first, To establish, regulate and maintain one or more pounds, and to restrain or prevent or regulate the running at large of horses, cattle, swine or other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding; Pounds, etc.

Twenty-second, To prevent every species of gaming, and to prevent the violation of the Sabbath and the disturbance of any religious congregation or any other public meeting assembled for any lawful purpose; Gaming, etc.

Twenty-third, To protect and regulate all cemeteries or grave-yards within the city, and all such without the limits of said city as such corporations may acquire, and to regulate the burial of the dead and the keeping of the bills of mortality; Cemeteries, etc.

- Dead carcasses, etc.** *Twenty-fourth*, To prohibit the bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substance, and to provide for the removal or destruction thereof wheresoever found;
- Market places, parks, etc.** *Twenty-fifth*, To lay out, establish, make, alter and regulate market places and public parks or grounds, and regulate the measuring and selling of fire-wood, and the weighing and selling of coal, and the selling of meats, vegetables, fish, fruits, and provisions of all kinds;
- Shade trees, etc.** *Twenty-sixth*, To regulate the setting of awning or other posts, and to direct and regulate the planting of shade or ornamental trees in the streets or other public grounds, and to provide for the preservation of the same;
- Compensation of officers, etc.** *Twenty-seventh*, To provide for calling meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a three-fourths vote of the council; to authorize and regulate the demand and receipt by officers of such fees and costs and in such cases as the council may deem reasonable, and to prescribe, fix, determine and regulate the powers and duties of all officers of the city subject to the provisions of this act;
- Boundaries of city, etc.** *Twenty-eighth*, To survey, ascertain and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares, and spaces in said city; to prohibit and remove all encroachments or obstructions upon the same in any manner, and to number the buildings;
- Hotels, taverns, etc.** *Twenty-ninth*, To license and regulate the keeping of hotels, taverns and public houses, groceries, and keeping of ordinary saloons, and victualing and other houses, or places for furnishing meals, food or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys, also to license and regulate or prohibit auctioneers, hawkers, peddlers and pawnbrokers, and to regulate auctions, hawking and pawnbrokerage;
- License butchers, etc.** *Thirtieth*. To license and regulate butchers, and keepers of shops, stalls and stands for the sale of meats, vegetables, and provisions of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire. To designate stands for all carriages, carts, or drays, used in carrying persons or property for hire, and to prescribe their fare and compensation;
- Sealers of weights and measures, etc.** *Thirty-first*, To regulate the weights and measures used in the city, to appoint one or more sealers of weights and measures and prescribe the duties and powers thereof, and the penalty for using false weights and measures not conforming to the standard as established by the laws of the State;
- Taxes, etc.** *Thirty-second*. To assess, levy and collect taxes for the purposes of the corporation, upon all property made taxable by

law, which taxes shall be a lien on the property taxed until paid, to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same;

Thirty-third, To employ all persons confined for the non-payment of any fine, penalty, forfeiture or cost of any offense under this act, or any ordinance of the council, in any jail, work-house or prison at work or labor, either within or without the same, or upon any street or public work under the control of the council; to allow any person thus confined for the non-payment of any fine, penalty forfeiture or costs to pay and discharge the same, by such work or labor, and to fix the value of such work or labor. The said council shall have the power to make all such by-laws, ordinances and regulations as they deem necessary for the safety and good government of the city, and to preserve the health, and to protect the persons and property of the inhabitants thereof. They shall also have power to purchase for the use of the city, such land as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city;

Employment of prisoners, etc.

To make ordinances, etc.

May purchase lands for cemetery, etc.

Thirty-fourth, To provide for the appointment of such a number of firewardens as they may deem necessary and for the examination by them from time to time of the stoves, chimneys and flues, furnaces and heating apparatus, and devices in all dwellings, buildings and structures in the city, and all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition;

Fire wardens, etc.

Thirty-fifth, To provide for the lighting of streets and alleys and the protection and safety of public lamps and lights;

Lighting of streets, etc.

Thirty-sixth, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, privies; to compel the owners or occupants to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the city, and to assess the expense thereof on the lot or premises specially benefited thereby, in the manner herein provided for assessments for local improvements, and when the assessment roll shall have been confirmed, the taxes so levied shall be a lien on the land so assessed, and shall be collected in the same manner as herein provided for collecting taxes for such local improvements;

Cellars, drains, etc.

Thirty-seventh, To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise and to prevent disturbing noises in the street;

Ringling of bells, etc.

Thirty-eighth, To prescribe rules to govern undertakers for burying the dead, scavengers, porters and chimney sweeps and their compensation, and the fees to be paid by them into the city treasury for licenses;

Undertakers, porters, etc.

Thirty-ninth, To regulate the soliciting of guests for hotels and passengers and others to ride upon any railroad, boat, street-car, omnibus or stage;

Soliciting passengers.

Fortieth, To fix and regulate the fees of jurors and witnesses

Fees of jurors, etc.

in any proceeding under this act, or under any ordinance of the common council;

Disposition of
filth, etc.

Forty-first, To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public places, and all earth to be removed therefrom, or from the public squares and grounds of said city in grading, paving or otherwise improving the same.

Partition fences,
walls, etc.

Forty-second, To regulate the construction of partition fences and of partition and parapet walls, the walls of buildings, the thickness of walls; to regulate the construction of chimneys, hearths, fire-places, fire hearths, ovens, and the putting up of stoves, stove pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash houses and deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and inclosures except private houses, to discover if the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires and the preservation of property exposed to danger therefrom;

Scuttles in roofs,
etc.

Officers and
others to aid at
fires.

Inspection of
steam boilers,
etc.

Forty-third, To provide for the inspection and management of stationary and portable steam boilers and steam generators, to appoint one or more inspectors of portable or stationary steam boilers or steam generators, and to prescribe and regulate their power, duties, fees and compensation, and to license and regulate engineers and firemen of portable or stationary steam boilers or steam generators and all actions heretofore taken by the council in appointing an inspector of such boilers and in adopting an ordinance for the inspection thereof and the licensing of engineers is hereby ratified and confirmed;

Regulate laying,
etc., of gas pipe,
etc.

Forty-fourth, To restrain and regulate laying, continuing, repairing, or taking up or removing any gas pipe along or across any and all of the streets, sidewalks, lanes, alleys, and public grounds in said city;

Debts, etc., of
city.

Forty-fifth, To appropriate money and provide for the debts and expenses of the city;

Regulate
weight, etc., of
bread.

Forty-sixth, To regulate the weight and quality of bread to be sold and used within the city;

Telephone, tele-
graph, etc.,
poles, etc.

Forty-seventh, To regulate or prohibit the location and height of telephone, telegraphic and electric light poles, within the limits of Bay City and to regulate the manner of stringing wire on the same;

Building
permits.

Forty-eighth, To require all persons, before constructing, altering or enlarging any building or any other structure

within the city limits, to obtain a permit therefor; and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued; .

Forty-ninth, The council shall also have power whenever they deem it necessary, to cause to be constructed a city market or markets, or other necessary buildings, to acquire by purchase the necessary lands whereupon to erect the same, and to appoint the necessary officers thereof, to locate the same within or without the city limits, and to make such rules and regulations concerning the same as they may deem necessary and proper. The council may provide for erecting and maintaining a city hospital with any eleemosynary or charitable association, and provide for the joint management and control thereof. No such public building shall be constructed unless the council shall order the same by a three-fourths vote of all the aldermen elect;

City markets,
etc.

City hospital.

Fiftieth, To punish all offenders for violations of or offenses against this act, or any by-law or ordinance of the common council adopted or passed under this or any other act of the Legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county, or any jail, prison or work-house of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. The limit and character of punishment for offenses against the ordinances of the council, shall be prescribed in the ordinance creating or specifying the offense to be punished and no fine shall exceed three hundred dollars, and no imprisonment shall exceed one year.

Punishment of
offenders, etc.

SEC. 11. The fire [commission] commissioner of Bay City shall consist of five persons having the qualifications of electors who shall be nominated by the mayor and confirmed by the council. The present members of the board shall be continued in office until their terms expire, respectively, or until their successors are appointed and qualified. Upon the expiration of the terms of the several members of the present board, a member of said board to succeed the person whose term expires shall be nominated by the mayor and confirmed by the council, who shall be appointed for the term of five years. The common council shall by ordinance prescribe the powers and duties to be exercised by said board and shall place under the direction of said board subject to the supervisory control of the council, the care, control and management of the several hose houses, all fire apparatus and equipments belonging to said department together with the management and direction of all officers, men, measures and actions for the prevention and extinguishment of fires in said city.

Fire commission,
etc.

Present members
to hold until ex-
piration of term.

SEC. 12. The members of said board of fire commissioners shall serve without compensation, and no member thereof shall hold any other political office, and shall be exempt from jury

To serve without
compensation.

To hold office during good behavior.

duty while so serving. Every officer and employé in said department now or hereafter appointed shall hold office and retain his position during good behavior; and no such officer or employé shall be discharged except for cause and after a fair trial and hearing upon specific allegations under such rules and regulations as may be prescribed by the common council.

Assessments for work on streets, etc.

SEC. 17. The expense of paving, macadamizing, planking, or covering with broken or pounded stone, including the grading preparatory thereto, of any street or alley the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk, shall be assessed upon the lots and premises specially benefited thereby according to the benefits derived therefrom: *Provided*, That if such expense shall amount to a larger sum than would be properly chargeable upon such lots or premises according to the [benefits] benefit actually derived, then the excess of such cost over the benefits to accrue to such lots and premises, according to the assessment of the comptroller, shall be chargeable to the city at large and paid out of the general fund: *Provided further*,

Proviso.

Further proviso.

That if the excess cost of any such improvements over the amount properly assessable upon such lots and premises, shall exceed thirty *per centum* of the total cost of the improvement of such lot or premises, that fact shall be certified by the comptroller to the council, and thereupon all further proceedings in the making of such improvements shall be suspended, until such time as the benefits to accrue to the lots and premises to be assessed therefor, shall in the judgment of the comptroller equal at least seventy *per centum*, of the entire cost of such improvements: *Provided further*, That the cost of grading, paving, macadamizing or covering with broken or pounded stone, at the intersection of any cross streets or alley crossings shall be paid for out of the highway funds of the ward in which said work is located. For the purpose of making any assessment for the cost of grading, paving, macadamizing or covering with broken or pounded stone, the work for such assessment shall be bid for and let separately, and such bidding and letting shall show:

Further proviso.

As to bidding and letting work.

What bids to show.

Cost of paving, etc.

First, The cost of paving, grading, macadamizing, or covering with broken or pounded stone, except that of intersection of the cross streets and alleys, and the costs of the cross-walks at such intersection;

Cost of grading, etc.

Second, The cost of grading, paving, macadamizing, or covering with broken or pounded stone, of the street included within the lines of intersection of any cross street and alley:

Cost of side-walks, etc.

Third, The cost of cross-walks at such intersection: *Provided*, In case where a side street merely opens upon and does not extend across the street to be paved, macadamized, graded, or covered with broken or pounded stone, the space formed by extending the line of the former street or alley to the middle of the latter street, shall, for the purpose of this act, be treated as the spaces formed by the intersection of cross streets. All necessary platforms and curbing shall be deemed to be included

as paving, macadamizing, or covering with broken or pounded stone.

SEC. 26. The provisions of the general tax laws of the State of Michigan, being entitled "An act to provide for the assessment of property, and the levy and collection of taxes thereon," approved June twenty-seventh, eighteen hundred eighty-nine, being act number one hundred ninety-five of the session laws of eighteen hundred eighty-nine and all other provisions of the general statutes of the State upon the subject of taxation as they now exist, or may hereafter exist, shall apply to and govern in the assessment and collection of the general taxes in said city, and in the return and sale of property delinquent therefor, except as herein otherwise provided, shall also apply and govern in respect to the powers, duties and liabilities of officers and the rights, duties and liabilities of persons and property touching and concerning such taxes, and shall have the same force and effect in said city as in the several townships of this State, so far as the same may be applicable, except as herein otherwise provided.

Provisions of general tax law to apply, etc.

SEC. 27. There shall be two assessors appointed by the common council upon the nomination of the mayor who, together with the comptroller, shall be known as the board of assessors. The two assessors so appointed shall hold their office for the term of three years from the date of their appointment and until their successors have qualified and shall receive such compensation as the common council shall determine: *Provided*, That the assessors first appointed under this act shall be appointed within ten days from the passage hereof and shall hold their office, one for two years and one for three years. No person who holds any county or other city office, except comptroller, shall be eligible to appointment or hold the office of assessor. The comptroller shall be president of said board and two members thereof shall constitute a quorum.

Board of assessors.

Proviso.

Quorum.

SEC. 28. The board of assessors shall possess all the powers, discharge all the duties and be subject to all the liabilities in, for and to the city, that are conferred and imposed upon supervisors of townships by the provisions of the acts mentioned and referred to in section twenty-seven in relation to the assessment and taxation of persons and property, so far as the same may be applicable and except as herein otherwise provided. The board of assessors shall in each year in the manner provided in the general tax laws of the State, assess at its true cash value all the real and personal property subject to taxation within the limits of said city, and said board shall before the time fixed for the first meeting of the board of review in each year make out and complete the assessment roll, which shall be divided into separate books, one for each ward, to be provided for that purpose by the comptroller. If any lot, lots, or other parcel of land shall lie partly in two or more wards the same shall be assessed in the ward where the greater portion thereof shall be situated.

Powers and duties of board.

Assessment roll for each ward.

When lots lie in more than one ward.

SEC. 29. Two weeks before the time hereinafter fixed for the first meeting of the board of review in each year, the comp-

Notice of time and place of meeting.

troller shall cause a notice of the time and place of such meeting to be given, by publishing the same for two successive weeks in the official newspaper and by posting the same in three public places in each ward of said city.

Board of review,
who to constitute.

Quorum.

Annual meeting
of board.

May revise roll,
etc.

Second annual
meeting.

Rights of ag-
grieved persons.

Continuance of
second session of
board.

Board to keep
record of pro-
ceeding.

Comptroller to
indorse roll
when completed.

Form of indorse-
ment.

SEC. 30. The board of review shall consist of the board of assessors, the members of the board of public works, except the city surveyor, and the city attorney, five of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. Said board shall meet on the first Monday after the fifth day of July, at the council chamber in said city, at which time the board of assessors shall submit to said board the said general assessment roll. During the week commencing on said day, said board may of their own motion revise said assessment roll and may increase or diminish valuations therein, add the names of persons and descriptions of property improperly omitted from said roll, and affix the valuations of such property and they shall correct all errors and supply all deficiencies found therein. Said board of review shall meet on the second Monday after the fifth day of July at the same place, and upon the request of any person, his agent or attorney, considering himself aggrieved, and sufficient cause being shown may reduce the assessment in such amount as to the said board may seem just and equal, and they may examine on oath any person touching the matter. After the expiration of the first week during which said board is required to sit, it shall have no power to increase any valuation therein or to add the name of any person or the description of any property thereto, except upon notice to the person to be affected thereby, served in the case of a resident of the city, personally, or by leaving the same at his usual place of abode, twenty-four hours before any action is taken by the board in respect to such assessment, and in case of a non-resident by one publication in the official newspaper of the city. Said board shall continue in session at least six days during said second week, and as many days thereafter as may be necessary. Any member of said board may administer an oath, and examine witnesses in relation to the matters requiring investigation before said board. Said board shall keep a record of its proceedings in reducing or increasing the valuation of any property assessed upon such roll.

SEC. 31. After said board of review shall have completed the revision of said roll, said comptroller shall indorse and sign a statement upon each book of said roll to the effect that the same is the general assessment roll for the . . . ward of said city for the year in which it has been prepared, as approved by the board of review; said statement may be in the following form viz.: "General assessment roll of Bay City" . . . ward for the year eighteen . . . as approved by the board of review.

Dated

Comptroller..

Upon the completion of said roll, and the indorsement of the

same in manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and to have been made according to law; the comptroller shall then cause a copy thereof to be made, and such copy shall be used and known as the county tax roll, and said original assessment roll may thereafter be used and known as the city tax roll.

Indorsement to be conclusive evidence of validity.

County and city rolls.

SEC. 32. On or before the twentieth day of July in each year, or as soon thereafter as the board of assessors shall have completed the assessment roll for said year, the council shall by resolution direct the amount of money to be raised by taxes in said city for the current year for said city, highway, special improvements, street openings and other purposes, not exceeding the amount the council is authorized by section twenty-five, to raise for such purposes: *Provided*, That when any tax roll on which school taxes are assessed shall be returned to the county treasurer, the comptroller and treasurer shall set over of the funds collected on such roll, the whole amount of such school money voted for the use of such school district: *Provided further*, That no school tax shall be voted by the board of education, except by a vote of a majority of all the members elect thereof. The board of supervisors of Bay county shall have no power to direct the amount of money to be raised in said city, upon the city tax roll for city or school purposes, except to order the re-assessment of rejected taxes.

Council to determine amount of tax to be raised.

Proviso.

Further proviso.

SEC. 61. The legislative powers of the city government are hereby vested in the common council which shall possess a general supervisory control over the officers, agents and employes of the city government, over all the boards and commissions of the city, and over the officers, agents and employes of such boards and commissions. The boards referred to are the board of public works, the board of fire commissioners, the board of health, the board of water-works, the board of police commissioners and the electric light board.

Legislative power vested in council, etc.

SEC. 64. The board of public works shall have the charge and management of the construction of all main and lateral sewers, of the construction of all sidewalks, of the planking, paving, macadamizing and covering with pounded stone, or any other material, of any street, alley, or other public space, the expense of which, by this act, is made a charge upon the property specially benefited thereby. They shall have the power to appoint suitable persons to supervise the construction of local improvements and they shall perform such other duties as the council may direct; but said board shall not enter into any contract for making any public improvements unless authorized by the council, nor incur any indebtedness whatever beyond the amount appropriated by the council for that particular purpose. The city surveyor shall make all surveys required for the laying out, construction, alteration, repair and improvement of streets, sewers, sidewalks, cemeteries, parks, public buildings and grounds, and shall prepare all necessary plans, profiles and specifications therefor, and shall perform the city engineering work of said city of every

Board of public works, powers of, etc.

Duty of surveyor, etc.

description as may be required by the common council, the board of public works or other lawful authority of the city. He shall examine into and keep track of the condition of all public works ordered by the council, of all contracts let by the board of public works, and see that the same are properly executed according to the plans and specifications, and report to the council all failures to comply with the provisions of law, and omissions in any such works. He shall be the engineer in charge of all local improvements, under the direction of the board of public works, and shall establish all grades for the same, he shall be superintendent in charge of all public works and buildings and shall give the same his personal supervision. He shall receive for his services an annual salary to be determined by the council; he shall devote his entire time and attention to the duties of his office and is hereby expressly prohibited from rendering any services except for the city.

Compensation of board of public works,

Proviso as to limit of compensation.

Members to give bond to city.

Removal, etc.

Police commissioners.

Proviso.

Further proviso.

Council to prescribe duties, etc., of board.

SEC. 68. The members of the board of public works shall be paid for the time actually employed in the discharge of their duties a sum to be fixed by the council, not exceeding three dollars per day: *Provided*, That no member of said board shall receive over one hundred and fifty dollars per annum for his services, not inclusive of his services as a member of the board of review. Each of said members shall, before entering upon the duties of his office, execute a bond to the city conditioned for the faithful performance of his duties; such bond, to be given in the penal sum of one thousand dollars, shall be executed by one or more sufficient sureties and be approved by the mayor. Any member of said board may be removed by the mayor, when thereunto requested by a two-thirds vote of all the members of the council elect. Such vote of the council shall be taken by yeas and nays, and shall be entered at large upon the records thereof, but the provisions of this section shall not apply to the surveyor or comptroller. The comptroller may call meetings of said board whenever he may deem it necessary, and shall be secretary of said board.

SEC. 78. The board of police commissioners shall consist of the mayor, who shall be *ex officio* a member and chairman of said board, and of four other persons having the qualifications of electors, who shall be appointed by the mayor, by and with the advice and consent of the council: *Provided, however*, That the present members of said board shall be continued in office until the expiration of the terms for which they were appointed respectively: *And provided further*, That the members hereafter appointed shall hold office for a term of four years. The common council shall by ordinance prescribe the powers and duties to be exercised by said board and shall place under the direction of said board, subject to the supervisory control of the council, the care, control and management of the police force, its organization, government, appointment and discipline, and the custody and control of all public property, books, records, equipments thereunto belonging; the common council shall also by ordinance provide that said board shall keep a

written record of their proceedings to be signed by the chairman and clerk thereof, which shall be open to public inspection at all reasonable times. The common council shall also at any time have the power to remove any member of said board in the same manner as heretofore provided for the removal of public officers in section eight of this act.

SEC. 79. The recorder of Bay City shall be clerk of said board, and no member thereof shall receive any compensation for his services. No member of said board shall hold any other political office and shall be exempt from military and jury service while so serving. Every officer and employé of said board shall hold office and retain his position during good behavior; and no such officer or employé shall be discharged except for good cause and after a fair trial and hearing upon specific allegations under such rules and regulations as may be prescribed by said common council. Duty of recorder.

SEC. 80. The common council may by ordinance provide for the creation of a beneficiary police fund to be constituted out of all moneys paid over to the police department or any member thereof as a reward or gift for services rendered. The fund so created shall not be drawn upon for any other purpose than to assist such persons as may become sick, injured or disabled while actively engaged as members of the police force of Bay City or the widow or minor children of any such person. No assistance shall be granted except in accordance with the provisions of such ordinance and for the purpose herein mentioned and the city shall under no circumstances pay or become liable to pay any amount greater than the sum to the credit of such fund. Beneficiary police fund.

SEC. 100. It shall be the duty of the comptroller to keep the financial accounts of the city; to countersign all bonds, orders on the treasury, and all evidences of debts and transfers of property which the council is authorized to make, pledging the faith of the city; to examine all accounts and demands against said city and certify to the council as to the correctness of the same, and when payment thereof shall be authorized by the council, to countersign and register the orders drawn therefor by the recorder upon the treasurer; he shall keep in proper books a record of all bonds issued by the city with the number, amounts and dates thereof, when issued, when payable, and of all coupons attached thereto. The comptroller shall in like manner keep accounts of all funds, taxes, assessments receipts and expenditures of the city, and at the end of the fiscal year in the month of March of each year, he shall make out and present to the council a full statement and balance sheet of the financial accounts of said city, as provided in section ninety-two of this act, with such recommendations as may be proper to add thereto, and shall cause two hundred copies of a summarized statement of the same under the general heads, or as many more as the council may direct, to be printed in pamphlet form. He shall sign all contracts and agreements on behalf of the city, except as herein otherwise provided subject to the orders of the Duty of comptroller.

To keep account of receipts and expenditures.

To cause copies to be printed.

To sign contracts and agreements.

To have supervision of city property, finances, etc.

council, and shall make all purchases for the city or its officers not otherwise herein provided for, unless otherwise directed by the council. He shall be charged with the leasing, repairs, insurance and general supervision of the city property, not herein otherwise provided for, and for his information may require reports from all offices and persons having any city property in charge or in their possession, and report the same when required by the council. He shall exercise a general supervision over the financial concerns of the city, and keep complete sets of books exhibiting the conditions of the city in its various departments and funds, its resources and liabilities with a proper classification thereof, and of each fund or appropriation for a distinct object or class of expenditures. He shall open an account with the treasurer, in which he shall charge the treasurer with the whole amount of taxes, special or general levied in said city, and placed in his hands for collection, all sums received for licenses, rents and other moneys which may be paid into the city treasury, and all bonds, coupons, notes, leases, mortgages, interest and bills receivable by said city of whatever nature. He shall charge to the treasurer all taxes which may be placed in his hands for collection, and all other officers of the corporation with all funds, moneys or property placed or being in his possession, and shall require settlement with such officers at least once a year, and not oftener than once a month. He shall also give the treasurer and all such other officers credit for all moneys disbursed upon showing proper vouchers. He shall make out and attach warrants to all tax rolls of the city, and shall perform such other duties as are or may be prescribed by this act, or by ordinances of the council not inconsistent herewith.

To settle with city officers annually.

Duty of street commissioner.

SEC. 106. The street commissioner shall, under the direction of the council, superintend the making, grading, repairing and planking, and opening of all streets, lanes, alleys, bridges, sidewalks, drains and sewers within the limits of the city, in such manner as he may from time to time be required, and before entering upon the discharge of his duties and within ten days from the notice of his appointment, he shall take the oath of office, and give such security for the faithful discharge of his duties as the council shall direct and require in a sum not less than one thousand dollars.

Power of council as to railroads in city, etc.

SEC. 130. The council shall have power to authorize the running of railroads and street railways in the streets of said city, upon condition that the owners of the lots adjoining, and persons interested therein, shall receive compensation therefor, and the council may, as an additional condition of such use of the streets, require the corporation or persons owning such railroads or street railway to plank or pave the street so used, to lay its track upon such grade as the city may from time to time establish, and may require any railroad company to use, erect and maintain safety gates at street crossings, and may regulate and fix the rate of fare on street railways, and make such other regulations in relation thereto as they may deem proper; and in default of performance of any condition above

named and provided for, may, by ordinance, cause any railroad or street railway now in, or hereafter to be laid in said city to be changed in its route, and its rails removed and may use such force and provide such penalties as may be necessary to enforce a compliance with any such condition. The method of arriving at the compensation to be paid to the lot owners, and persons interested therein, shall be the same as provided by the general railroad laws of this State. Nothing herein contained shall be deemed to prohibit the council from changing the route of any railroad or street railway now in or hereafter to be laid in said city, when in the opinion of the council the people's good may require it.

SEC. 168. Said police justice shall receive an annual salary of eighteen hundred dollars to be paid by Bay City in the first instance, but the board of supervisors of Bay county shall annually make a reasonable allowance to said city towards the payment of said salary of said police justice and the expenses of said police for the services rendered by the police force of said city in prosecutions under the general criminal laws of the State, which allowances shall be equal to three-quarters of the expenses incurred on account of the expenses of said court and police service: *Provided*, That such allowances shall not exceed three thousand dollars per annum. In case a vacancy in the office of any such police justice, or in case of his absence, sickness or disability to act for any cause, a justice of the peace of Bay City to be designated for that purpose by the board of police commissioners of Bay City shall perform the duties of such police justice during such sickness, absence and in case of such inability, and shall hold such police court and he shall be paid for such services as he may so render by Bay City and Bay county as aforesaid. But neither such police justice nor justice of the peace shall receive any fees, costs or other emoluments for services as such police justice whatever.

Salary of police justice, etc.

Provido.

Vacancies, etc.

SEC. 169. The justice of the police court shall keep a true record of the proceedings of said court, and of the business of his office in journals, calendars, or other proper books to be provided for such purpose, which books shall be of such forms as shall be approved by the police justice. He shall file and safely keep all books, bonds, recognizances and papers belonging to the police court or to his office, and shall, within forty-eight hours after the receipt of any fine or costs, pay the same to the county treasurer of the county of Bay, and take a receipt therefor, except such fines and costs as shall be imposed and received in cases arising under the city ordinances above mentioned, which shall be paid in like manner and within the same period to the city treasurer of the city of Bay City, and by him credited to the poor fund. All moneys collected by the sheriff of Bay county for fines and costs imposed by the police court in cases arising under city ordinances shall, within forty-eight hours, be paid to the city treasurer and credited to the poor fund.

Police justices to keep records, etc.

Fines to be paid to county treasurer.

Fines to be paid to city treasurer.

SEC. 172. The board of public works shall, before the first day of July in each year, report to the council what amount of

Board of public works to report to council annually.

special improvements, the cost of which is payable by the property specially benefited thereby, as in this act provided, will, in their judgment and opinion, be necessary or be required to be made, built and constructed during the ensuing year. Upon the receipt of such report and estimate, the council may decide what amount, in their judgment and discretion they deem necessary to be raised by issuing bonds therefor for such purposes during said year.

Sections
repealed.

SEC. 2. Sections eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-seven, eighty-eight and eighty-nine are hereby repealed.

This act is ordered to take immediate effect.

Approved May 12, 1891.

[No. 324.]

AN ACT to amend sections three, four, five, eight, nine and ten of chapter one, of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," being act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, approved June seventh, eighteen hundred and eighty-three, as amended by act number three hundred and ninety-eight of the session laws of eighteen hundred and eighty-five, approved June twentieth, eighteen hundred and eighty-five.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections three, four, five, eight, nine and ten of chapter one, of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," being act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, approved June seventh, eighteen hundred and eighty-three, as amended by act number three hundred and ninety-eight of the session laws of eighteen hundred and eighty-five, approved June twentieth, eighteen hundred and eighty-five, be and the same are hereby amended so as to read as follows:

Territorial limits
and boundaries.

SEC. 3. The territorial limits of said city of Detroit shall include all that tract of country in the county of Wayne, bounded and described as follows: Beginning at the intersection of the national boundary line in the Detroit river, with the easterly line of private claim number two hundred fifty-seven extended, running thence northerly along the easterly line of said private claim number two hundred fifty-seven and along the easterly line of the back concession to said private claim number two hundred fifty-seven to the center of the Butler road, so-called; thence westerly along the rear lines of private claims to the center of St. Charles avenue; thence northwesterly along the center of St. Charles avenue to

the center of Strong avenue; thence along the center of Strong avenue, westerly and northwesterly to the intersection of the center line of Mt. Elliott avenue extended; thence westerly along a line parallel with the northerly line of the boulevard to the easterly line of St. Aubin avenue; thence northerly along said easterly line of St. Aubin avenue and St. Aubin avenue extended, to a point in fractional section thirty-nine, town one south, range twelve east, said point being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine; thence westerly on a line parallel with the southerly line of said quarter section thirty-nine, and being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine, to a point two hundred and thirty-three feet easterly of the center line of Oakland avenue, so-called; thence northerly on a line parallel with said center line of Oakland avenue, and Oakland avenue extended, and two hundred and thirty-three feet easterly thereof, to a point indicated by and intersecting the easterly and westerly center line of quarter section twenty-three of the ten thousand acre tract in Hamtramck township; thence westerly from said last mentioned point along the center line of quarter sections twenty-three and twenty-four of the ten thousand acre tract in Hamtramck township, across [Woodward] Woodard avenue, so-called, and along the center line of quarter sections twenty-five and twenty-six of the ten thousand acre tract in Greenfield township, to a point two hundred and fifty feet westerly of the center line of Crawford street, so-called, extended; thence southerly on a line parallel with the center line of Crawford street extended, and two hundred and fifty feet westerly thereof, to a point in quarter section thirty-five of said ten thousand acre tract, two hundred and thirty-three feet northerly of the center line of the Williams road, so-called; thence westerly on a line parallel with the center line of said Williams road and two hundred and thirty-three feet northerly thereof, to the easterly line of Twelfth street; thence southerly along the easterly line of Twelfth street to a point two hundred twenty-four and three-fourths feet northerly of the northerly line of the boulevard; thence westerly on a line parallel with and two hundred twenty-four and three-fourths feet northerly of the northerly line of the boulevard, to a point in section fifty-two of the ten thousand acre tract, said point being two hundred feet west of the west line of the boulevard in section two, town two south, range eleven east extended north; thence south on a line two hundred feet west of, and parallel with the west line of said boulevard to the northerly line of the private claims; thence westerly on the rear of the northerly line of the private claims to the westerly line of back concession, private claim thirty; thence westerly in a direct course to the easterly line of private claim two hundred and sixty-six; thence southerly along the easterly line of private claim two hundred and sixty-six to the southerly line of Toledo avenue; thence westerly along the southerly line of Toledo avenue to the westerly line

of Livernois avenue; thence southerly along the westerly line of said Livernois avenue to the northerly line of the Dix road; thence westerly on said northerly line of said Dix road to the westerly line of Artillery avenue extended; thence southerly along said westerly line of Artillery avenue extended to the national boundary line in the Detroit river, and thence along the national boundary line in the Detroit river up stream to the place of beginning; and also all that parcel of land situated in the Detroit river and known as Belle Isle.

Division into
wards.

SEC. 4. The said city is hereby divided into the following wards:

First ward.

First, The first ward shall consist of all that part of the city lying between the center lines of [Woodward] Woodard avenue and Beaubien street, and the said lines extended northerly and southerly to the city limits;

Second ward.

Second, The second ward shall consist of all that part of said city bounded on the east by the center line of [Woodward] Woodard avenue, and on the west by the center line of First street, from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street and along the center line of Second street, and the said lines extended northerly and southerly to the city limits;

Third ward.

Third, The third ward shall consist of all that part of said city lying between the center lines of Beaubien street and Hastings street, and the said lines extended northerly and southerly to the city limits;

Fourth ward.

Fourth, The fourth ward shall consist of all that part of said city lying between the west boundary line of the second ward above described and the center line of Crawford street, from the northerly city limits to the center of Grand River avenue, down the center line of Grand River avenue to the center line of Fifth street, and down the center line of Fifth street, and the said lines extended northerly and southerly to the city limits;

Fifth ward.

Fifth, The fifth ward shall consist of all that part of said city lying between the center lines of Hastings street and Russell street, and the said lines extended northerly and southerly to the city limits;

Sixth ward.

Sixth, The sixth ward shall consist of all that part of said city lying between the west boundary line of the fourth ward, above described, and the center line of Trumbull avenue, and the said lines extending northerly and southerly to the city limits;

Seventh ward.

Seventh, The seventh ward shall consist of all that part of said city lying between the center lines of Russell street and Dequindre street, and the said lines extended northerly and southerly to the city limits;

Eighth ward.

Eighth, The eighth ward shall consist of all that part of said city lying between the east line of Godfroy farm and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits;

Ninth ward.

Ninth, The ninth ward shall consist of all that part of said city lying between the center lines of Dequindre street and

Chene street, and the said lines extended northerly and southerly to the city limits;

Tenth, The tenth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the east line of the Godfroy farm, and the said lines extended northerly and southerly to the city limits; Tenth ward.

Eleventh, The eleventh ward shall consist of all that part of said city lying between the center lines of Chene street and McDougall avenue, and the said lines extended northerly and southerly to the city limits; Eleventh ward.

Twelfth, The twelfth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the westerly line of the Porter farm, and the said lines extended northerly and southerly to the city limits; Twelfth ward.

Thirteenth, The thirteenth ward shall consist of all that part of said city lying between the center line of McDougall avenue and the center line of Mt. Elliott avenue, and the said lines extended northerly and southerly to the city limits; Thirteenth ward.

Fourteenth, The fourteenth ward shall consist of all that part of said city lying between the westerly line of the Porter farm and the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits; Fourteenth ward.

Fifteenth, The fifteenth ward shall consist of all that part of said city lying east of the center line of Mt. Elliott avenue, and the said line extended northerly and southerly to the city limits; and the parcel of land situate in the Detroit river known as Belle Isle; Fifteenth ward.

Sixteenth, The sixteenth ward shall consist of all that part of said city lying west of the westerly line of private claim forty-seven and the said line extended northerly and southerly to the city limits. Sixteenth ward.

SEC. 5. Hereafter the division of said city into wards as herein provided shall govern; but the common council of said city shall have power, by ordinance, to divide said wards into election districts of convenient size. The boundaries of each of said districts shall be particularly described in said ordinance. No district shall embrace parts of two or more wards, and each ward shall be divided into at least three districts. Division into election districts, etc.

SEC. 8. This act shall not interfere with or affect the assessment, levy or collection of any taxes assessed or levied during the present year on any of the lands hereby detached from the townships of Hamtramck and Greenfield or the village of Highland Park, but such taxes shall be assessed and collected in the respective townships to which such lands heretofore belonged, and in said village of Highland Park, in all respects as if this act had not passed, and said lands shall not be subject to taxation in the city of Detroit until the year of our Lord one thousand eight hundred and ninety-two: *Provided, however*, That all said lands shall, after this act takes effect, be subject to local assessments for the grading and paving of streets, or for the building of sidewalks, drains or sewers, in the same manner as the other territory of said city. Not to interfere with the assessment and collection of certain taxes.

Proviso as to local assessments for certain purposes.

School district
tax therein.

Assessment for
1892, etc.

Title to property
to vest July 1,
1892.

Re-arrangement
of school dis-
tricts.

Apportionment
of school prop-
erty and money.

In case of dis-
agreement com-
missioners to be
appointed.

SEC. 9. The territory annexed to the city of Detroit by this act shall remain a part of the school districts to which it now belongs until July first, eighteen hundred and ninety-two, and school taxes shall be levied and collected therein for the year eighteen hundred and ninety-one. From and after the first day of July, eighteen hundred and ninety-two, the said territory so annexed shall become a part of the school district of the city of Detroit and entitled to its proportion of the moneys appropriated for primary schools and the district library of said district. The taxable property so annexed shall be listed and assessed in making out the assessment rolls of the city of Detroit for the year eighteen hundred and ninety-two, and in determining the amount of school taxes to be levied in the city of Detroit for the fiscal year commencing July first, eighteen hundred and ninety-two, the school children in the territory so annexed shall be considered; and taxes may also be levied for the construction of additional school buildings in said territory. On the first day of July, eighteen hundred and ninety-two, title to all school property, real or personal, situated in the territory so annexed, shall be vested in the board of education of the city of Detroit and the school district officers shall turn the possession and control thereof over to said board.

SEC. 10. It shall be the duty of the board of school inspectors of each of said townships of Greenfield and Hamtramck, and of the board of trustees of said village of Highland Park, to re-arrange the school districts of said townships and village, and to make proper disposition of the parts of the districts severed by this act remaining in said townships or in said village. The inhabitants of the parts of said districts left in said townships, and in said village, shall be represented by the board of school inspectors of each township, and the board of trustees of said village respectively, who shall have authority to adjust with the board of education of the city of Detroit the rights and equities involved in each case. The value of the school property and the unexpended school moneys shall be apportioned according to the assessed value of the taxable property of the respective parts of the divided districts, and the board of education of the city of Detroit shall pay to such township or village districts as the board of school inspectors of each township or the board of trustees of said village shall direct the amount found due from it on such apportionment and adjustment. In case the board of school inspectors of any township, or the board of trustees of said village shall not be able to agree on an adjustment or apportionment in any case, the same may be made by commissioners to be appointed by the circuit court for the county of Wayne in chancery on the bill or petition of either party, and said court is given jurisdiction and authority to determine any and all questions that may arise in carrying out the provisions of this section, and to grant such relief in the premises as may be equitable.

This act is ordered to take immediate effect.

Approved May 13, 1891.

[No. 325.]

AN ACT to authorize the township of Lamotte, in the county of Sanilac, to settle and adjust the claim of the holder of a certain bond issued to Robert Hoag for highway orders purchased by him and surrendered to said township.

SECTION 1. *The People of the State of Michigan enact,* Duty of township board, etc.
That it shall be the duty of the township board of the township of Lamotte, in the county of Sanilac to cause notice to be given, by posting the same in at least six public places in such township ten days prior to the annual township meeting to be held on the first Monday of April next, that at the time of such annual township meeting the question whether there shall be paid the amount due to the holder of that certain bond of said township, issued by the township board thereof, to Robert Hoag, April tenth, one thousand eight hundred and seventy-seven, for the sum of two hundred and ninety-seven dollars and thirty-seven cents, for sundry orders by him purchased and surrendered to said township for such bond so issued.

SEC. 2. The votes upon such question shall ~~be~~ by ballot, Ballots. and the ballots in favor of raising the sum to pay the amount due said Hoag on account of said orders shall have written or printed thereon the words "Payment of Hoag claim—Yes," and each ballot against the same shall have written or printed thereon the words "Payment of Hoag claim—No." Duty of inspector, etc. The inspectors of election shall prepare a box for the reception of such ballots and they shall be received and canvassed in the same manner as is provided by law for the canvass of votes for township officers.

SEC. 3. If a majority of all the votes so cast shall be in favor of such payment of said claim the township board shall ascertain and determine the amount necessary to raise to settle and pay the amount of such orders with the interest thereon, at the legal rate and the supervisor of said township shall include the sum so found necessary to pay such claim in the amounts to be raised by such township for the year in which such question shall be submitted, and assess the same upon the taxable property of such township, and the township treasurer of such township shall, from the moneys so assessed and collected, pay and satisfy said claim upon presentation thereof, at any time after the first of February following such assessment, upon receiving full acquittance and release for all claims arising from said orders or bond and the surrender and cancellation of such bonds. In case majority favor payment, etc.

Approved May 15, 1891.

[No. 326.]

AN ACT to amend act number three hundred thirty-six, of local acts of eighteen hundred seventy-nine, entitled "An act

to incorporate the village of Charlevoix," approved April third, eighteen hundred seventy-nine, amended by act number three hundred five, of the local acts of eighteen hundred eighty-nine, entitled "An act to amend section four of act number three hundred and thirty-six of the local acts of eighteen hundred and seventy-nine, entitled 'An act to incorporate the village of Charlevoix,' approved April third, one thousand eight hundred and seventy-nine," approved March fifth, eighteen hundred eighty-nine, by adding thereto four new sections to stand as sections number eight, nine, ten and eleven.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred and thirty-six of the local acts of eighteen hundred and seventy-nine, entitled "An act to incorporate the village of Charlevoix," approved April third, one thousand eight hundred and seventy-nine, amended by act number three hundred and five, of the local acts of eighteen hundred and eighty-nine, entitled "An act to amend section four of act number three hundred and thirty-six of the local acts of eighteen hundred and seventy-nine, entitled 'An act to incorporate the village of Charlevoix,' approved April third, one thousand eight hundred and seventy-nine," approved March fifth, one thousand eight hundred and eighty-nine, be and the same is hereby amended by adding four new sections thereto to stand as sections eight, nine, ten and eleven, to read as follows:

Council shall
Regulate con-
struction of
vaults, sewers,
etc.

SEC. 8. The common council of said village shall have power by ordinance to regulate the construction, repair, and use of vaults, privies, cisterns, areas, hydrants, pumps, sewers and gutters.

Regulate con-
struction of
cellars, drains,
etc.

SEC. 9. The common council may by ordinance direct and regulate the construction of cellars, slips, barns, private drains, sinks, vaults and privies; compel the owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or cause the same to be done by some proper officer of the corporation, and assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, vault, or privy thereon.

Preserve purity
of waters, etc.

SEC. 10. The common council of said village shall have authority to provide by ordinance for the preservation of the purity of the waters of Round lake and Pine river within said village, and the waters of Pine lake and Lake Michigan within two miles from the corporate boundaries thereof; to prohibit and punish the casting or depositing therein of any filth, refuse, floating matter or any injurious thing; to control and regulate the anchorage, moorage and management of all boats, water-craft and floats within the jurisdiction of the village; to prescribe the mode and speed of entering, passing through and leaving Pine river, both upper and lower channel, so-called, and Round lake and of coming to and departing from the docks, wharves and landings within the said village by boats, water-craft and floats; and to regulate and prescribe by such ordinance, or through a harbor-master, such location of any

boat, craft, vessel or float, and such changes of station in and use of Round lake and Pine river as shall prevent the formation of sand bars or other obstruction to navigation and as may be required to promote order therein, and the safety and convenience of such boats, craft, vessels and floats, and to regulate the opening and passage of bridges; and generally to enact and enforce such ordinances and regulations not inconsistent with the laws of the United States, or of this State, as in the opinion of the council shall best preserve and regulate the navigation of Round lake and Pine river, and be most conducive to the orderly, safe and convenient use and occupancy of the harbor, navigable waters, wharves, docks piers and landing places within the village.

SEC. 11. The council shall appoint a harbor-master whose duty it shall be to enforce all such ordinances and regulations as the council may lawfully enact and prescribe in respect to, and over the navigable waters, harbors, wharves, docks, landings and basins within the village, and in respect to the navigation, trade and commerce of the village, and prescribe the powers and duties of said harbor-master and fix his compensation. Harbor-master,
duty of, etc.

This act is ordered to take immediate effect.

Approved May 15, 1891.

[No. 327.]

AN ACT to detach certain territory from the township of Richmond in the county of Osceola, and attach the same to the township of Hersey, in said county.

SECTION 1. *The People of the State of Michigan enact,* Territory
detached.
That the east half of section twenty-four in township seventeen north, range ten west, be and the same is hereby detached from the township of Richmond in the county of Osceola and attached to the township of Hersey in said county.

This act is ordered to take immediate effect.

Approved May 15, 1891.

[No. 328.]

AN ACT to incorporate the village of Hillman, in Montmorency county.

SECTION 1. *The People of the State of Michigan enact,* Territory
incorporated.
That all that territory situate and being in the township of Hillman, in the county of Montmorency, and State of Michigan and described as follows to wit: The south half of the north-east quarter and the southeast quarter of section twenty-three,

and the south half of the northwest quarter and the southwest quarter of section twenty-four, in the said township of Hillman be and the same is hereby constituted a village corporate, to be known as the village of Hillman.

First election.

SEC. 2. The first election of officers of said village of Hillman shall be held on the third Monday in April in the year one thousand eight hundred and ninety-one, at Hunt's hall, known as such in said village, notice of which shall be posted in three of the most public places in said village at least ten days before the time of said election, which notice shall be signed by five freeholders in said village.

Notice of.

Board of registration.

SEC. 3. John Murphy, Gunson Reay and John A. Holmes are hereby constituted a board of registration for the purpose of registering the names of voters for the first election to be held in said village, and the said board of registration are hereby required to meet at Hunt's hall, known as such in above described territory, on the Saturday preceding the third Monday in April, one thousand eight hundred and ninety-one, and register all persons presenting themselves for registration and having the qualifications of voters at annual township meetings, notice of which meeting shall be posted in three of the most public places in said village at least ten days before said meeting, and shall be signed by said board of registration.

Notice of registration.

To be governed by general law.

SEC. 4. The said village of Hillman shall, in all things not herein otherwise provided, be governed and its powers and duties be defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and the amendments thereto, the same being chapter eighty one of Howell's Annotated Statutes.

Election at other than time designated.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in section two of this act, on notice being given as provided in said section two.

This act is ordered to take immediate effect.

Approved May 20, 1891.

[No. 329.]

AN ACT to authorize the city of Coldwater to create and appoint and prescribe the powers and duties of a board of commissioners to have the care and management of the system of water-works and of the electric light plant of said city when the same shall be in operation.

Board of commissioners, etc.

SECTION 1. *The People of the State of Michigan enact,* That the common council of said city may by resolution duly passed and entered on its records create and appoint a board of commissioners to have the care and management of the system

of water-works of said city, and when the electric light plant of said city shall be in operation to have the care and management of the said electric light plant also.

SEC. 2. Such board shall consist of three members to be appointed by the mayor and confirmed by the common council of said city and upon the creation of said board the first member named and appointed shall hold his office until the first Monday in January after his appointment and the second member until the first Monday in January of the second year after the year of his appointment and the third member until the first Monday in January of the third year after the year of his appointment and at the first regular meeting of said common council or at any special meeting for that purpose, held in the month of January in each year after the formation of said board, a new member of said board shall be appointed in manner aforesaid who shall hold his office for three years or until the first Monday of January of the third year after the year of his appointment or until his successor be appointed: *Provided*, That in case of a vacancy caused by the death, resignation or removal from the city of any member before the expiration of the term for which he was appointed, a new member shall be appointed in manner aforesaid to fill such vacancy.

Mayor to appoint board, etc.

SEC. 3. The said common council shall by ordinance from time to time prescribe the powers and duties of said board and establish such rules and regulations as shall be necessary for its government.

Council to prescribe powers, etc.

This act is ordered to take immediate effect.

Approved May 21, 1891.

[No. 330.]

AN ACT to authorize the village of Vicksburg to borrow money for the purpose of making public improvements in said village and to issue its bonds for the payment of the same.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Vicksburg shall be and is authorized and empowered to borrow money on the faith and credit of said village and issue bonds therefor to an amount not exceeding ten thousand dollars, which shall be expended in making public improvements in the village of Vicksburg: *Provided*, That two-thirds of the qualified electors of said village voting at an election to be called in compliance with and in conformity to act number sixty-two of the session laws of one thousand eight hundred and seventy-five entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and the acts amendatory and supple-

Authority to borrow money and issue bonds.

mentary thereto, shall vote in favor of such loan in the manner specified in said act and not otherwise.

Bonds, amount,
limit of, etc.

SEC. 2. If such loan shall be authorized by a two-thirds vote of such electors voting at such election, said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times with such rates of interest not exceeding six per cent per annum, as the common council shall direct and shall be duly signed by the president and clerk of said village and sealed with the corporate seal of said village, and negotiated by or under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power and it shall be their duty to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved May 21, 1891.

[No. 331.]

AN ACT to amend sections three, twelve, thirteen, fifteen, seventeen, eighteen, nineteen, twenty, twenty-two, thirty-seven, sixty-one, sixty-five and seventy-five of act number four hundred and twenty-eight, of the acts of eighteen hundred and eighty-seven, entitled "Act to revise and amend act number fifty-three of the session laws of eighteen hundred and fifty-nine entitled 'An act to incorporate the city of Battle Creek,' approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts or parts of acts inconsistent herewith," approved April nine, eighteen hundred and eighty-seven as amended, the said sections three, thirty-seven and seventy-five, by act number three hundred and eighty-four of the session laws of eighteen hundred and eighty-nine, approved May nine, eighteen hundred and eighty-nine, and to amend section ninety-three of said act three hundred and eighty-four, approved May nine, eighteen hundred and eighty-nine, to provide for filling of vacancies on the board of registration, the issuing of bonds by the city of Battle Creek for the construction of sewers and the assessment of property for the same; to provide for two assessors, making the mayor *ex officio* member of the board of public works and that plats of land in said city shall be first accepted by the common council before the same can be recorded or worked.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,*
That sections three, twelve, thirteen, fifteen, seventeen, eighteen,

nineteen, twenty, twenty-two, thirty-seven, sixty-one, sixty-five, and seventy-five of act number four hundred and twenty-eight of the acts of eighteen hundred and eighty-seven, entitled "An act to revise and amend act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled 'An act to incorporate the city of Battle Creek,' approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts or parts of acts inconsistent herewith" approved April nine, eighteen hundred and eighty-seven, as amended, the said sections three, thirty-seven and seventy-five, by act number three hundred and eighty-four of the session laws of eighteen hundred and eighty-nine, approved May nine, eighteen hundred and eighty-nine, and to amend section ninety-three of said act three hundred and eighty-four, approved May nine, eighteen hundred and eighty-nine, be and hereby are amended so as to read as follows:

SEC. 3. Said city shall be divided into five wards, as follows, to wit: The first ward shall embrace all that portion of the city described as follows: Beginning at the intersection of Main and Jefferson streets, thence southeasterly along Main street to its intersection with the section line between section seven, town two south, range seven west, and section twelve, town two south, range eight west; thence south along the section lines between said sections seven and twelve, to the southeast corner of said section twelve, town two south, of range eight west; thence west along the south lines of sections eleven and twelve, in town two south, of range eight west, to the southwest corner of the southeast quarter of said section eleven, town two south, of range eight west; thence north along the north and south quarter lines of sections eleven and two, in said township two south, of range eight west, to the center of the highway formerly called Reese road, and being an extension of Race street, as the same is laid down on the map of Meachem's addition to Battle Creek; thence southeasterly and along the center of the highway and along the center of Race street as laid down on Meachem's addition to Battle Creek; thence southeasterly along the center of Race street to the intersection of Race and Jefferson street; thence northeasterly along the center of Jefferson street to its intersection with Main street, to the place of beginning. The second ward shall embrace all that portion of the city described as follows: Beginning at the intersection of Jefferson and west Canal streets, thence southwesterly along the center of Jefferson street to the intersection of Jefferson and Race streets; thence northwesterly along the center of Race street, as the same is laid down on the map of Meachem's addition to Battle Creek, and thence westerly along the center of the highway, the same being an extension of said Race street, to the north and south quarter line of section two, town two south, of range eight west; thence north on said north and south quarter line to the center of Main street; thence south-

Division into
wards.

First ward.

Second ward.

Third ward.

easterly along the center of said Main street to the intersection of said Main street and west Canal street; thence up and along the center of west Canal street to the place of beginning. The third ward shall embrace all that portion of of the city described as follows: Beginning at the intersection of the Battle Creek stream and the west line of said section seven, thence down and along the center of the Battle Creek stream to its intersection with Jefferson street; thence southwesterly along the center of Jefferson street to the intersection of Jefferson and west Canal streets; thence northwesterly along the center of west Canal street to its intersection with Main street; thence northwesterly along the center of Main street to its intersection with the north and south quarter line of section two, town two south, of range eight west; thence north on said quarter line to the northwest corner of the northeast quarter of said section two; thence along the north line of sections one and two, in said town two south, of range eight west, to the northeast corner of said section one; thence south along the east line of said township two south, of range eight west, to the place of beginning. The fourth ward

Fourth ward.

shall embrace all that portion of the city described as follows: Commencing at the point of intersection of the center of the Battle Creek stream with the west line of township two south, of range seven west, and running thence north along the west line of said township to the northwest corner thereof; thence running east along the north line of said township to the northeast corner of the west half of section five in said township two south, of range seven west; thence running south along the north and south quarter line of said section five to the south line of said section five; thence west on the south line of said section five and on the south line of section six in said township two south, of range seven west, to the center of the Battle Creek stream; thence down along the center of said Battle Creek stream to the place of beginning. The fifth ward

Fifth ward.

shall embrace all that portion of the city described as follows: Beginning at the intersection of Main and Jefferson streets; thence southeasterly along Main street to the intersection with the section line between section seven, town two south, range seven west, and section twelve, town two south, range eight west; thence south along said section line to the southwest corner of said section seven; thence east along the south lines of said sections seven and eight in said town two south, of range seven west, to the southeast corner of the southwest quarter of said section eight; thence north along the north and south quarter line of said section eight in said township two south, of range seven west, to the north line of said section eight; thence west along the north lines of said section eight and of section seven in said township two south, of range seven west, to [the] a point where said section line intersects the center line of the Battle Creek stream; thence down along the center of the Battle Creek stream to its intersection with the center of Jefferson street; thence southwesterly along the

center of Jefferson street to its intersection with Main street, the place of beginning: *Provided*, That whenever a street or water-course is mentioned in this act as a boundary or division line, the center of said street or water-course shall be deemed to be the said line or boundary unless otherwise designated or described. All meetings of the boards of registration of the several wards for the purpose of registration shall be held hereafter in the rooms of the common council of said city. Said boards of registration shall meet on the Friday and Saturday next preceding each election, and the chairman of the board of registration or in his absence the board of registration may fill any vacancy by the appointment of any elector of the ward or voting precinct.

Provided.

Meetings of boards of registration.

SEC. 12. There shall be a board of public works in said city. It shall consist of the mayor of said city and five good and competent men, who are electors therein, who shall be appointed by the mayor, subject to the approval of a majority of all the aldermen elect. The full term of a member, except the mayor, shall be five years, but the members shall be subject to classification in such manner that one term will expire in each year. Appointments for full terms shall be made on the third Monday in April in each year, or as soon after such day as may be. Members shall hold over and execute the duties of the office until appointees to succeed them qualify and are ready to enter upon their duties. Every member as soon after appointment as may be, shall take the oath of office prescribed for city officers, and, within such time as shall be fixed therefor by the common council, execute to the city and file with the recorder a bond in such sum as the common council shall order and with sufficient surety or sureties to be approved by the mayor conditioned for the faithful performance by such member of the duties of the office. In case of a vacancy caused by death, resignation, removal from the city or otherwise, an appointment for the unexpired term shall be made with as little delay as possible and in the same manner as appointments for full terms; and any such appointee shall, within such time as the common council shall fix, take the like oath and execute and file with the recorder the like bond required of members appointed for full terms. No member of said board, except the mayor, shall hold any other office under the charter of the city during his continuing as a member of the board; and his election or appointment to and acceptance of any other office shall be deemed a resignation of membership in the board. Any member may be at any time removed by the mayor for official misconduct or the unfaithful or inefficient performance of his duties. But no such removal shall be made until six days' notice of the charge preferred shall have been given to such member, with an opportunity for making his defense, nor unless his removal is voted for by at least two-thirds of the aldermen elect. The members of the board may elect from their numbers a president, secretary and treasurer, who shall hold during the pleasure of the board. The board shall keep an

Board of public works.

Term of, and time of appointment.

To take oath and file bond.

Filling vacancies.

Members not to hold other office.

How may be removed.

Officers of board.

Office of. office in the city with such furnishings as shall be necessary, and business shall be conducted upon the joint conference and consultation of not less than three members attending in a session. Written minutes of the proceedings of the board shall be kept and all resolutions, orders, rules and directions passed and adopted by the board shall be correctly entered at length and preserved in books of record, and the same shall be open to the inspection of the mayor, aldermen, city attorney, recorder and treasurer. All papers and documents of importance relating to the duties or business of the board and not belonging elsewhere shall be filed and preserved in the office of the board. The board may appoint and employ such agents, experts, engineers, mechanics, clerks, workmen and laborers as it shall find necessary for the due discharge of its duties, and define their duties and fix their compensation to be paid by the city. All contracts made pursuant to law by the board shall be obligations of the city.

Minutes of.

Where filed.

Board may employ agents, etc.

Contracts of board.

To have charge of construction of water-works, sewers, etc.

To provide fountains, etc., and water for public use.

Monthly report to council, what to contain.

Reports to be certified to.

Board to cause sewer plans to be made.

SEC. 13. The construction, alteration and repair of all city water-works and sewers shall be carried on, supervised and managed by the board of public works and all constructed water-works and sewers of the city shall be controlled, superintended and managed and kept in due repair and order by said board. And to enable it to discharge its duties herein, the board may lay water pipes and sewer pipes in public streets and public grounds and repair and renew the same when necessary; may also construct, maintain and repair reservoirs, water-works, buildings, machinery, engines, pipes, jets, pumps and fountains when it shall find the same to be needful. The board of public works shall erect and maintain fountains and water troughs and put in water for public use [wherever] whenever the common council shall direct, and water for the parks, streets, city buildings, school-houses and grounds, shall be furnished free of cost if council directs.

SEC. 15. The board shall report to the common council monthly, such progress as shall have been made in the construction, alteration, or repair of any work under construction, alteration or repair under the supervision of the board, and the general state and condition of such works, and such reports shall include specific statements of the sums which shall then be owing and payable by the city on account of any such construction, alteration or repair, and any sum or sums thus owing and payable by the city on any contract or contracts performable under the supervision of the board. Said reports shall be certified by a majority of the board and thereupon it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds of the sums so reported.

SEC. 17. Whenever said board shall be directed to submit plans for sewers or drains to said common council, they shall cause to be prepared by some competent engineer a plat of so much of said city as in their opinion will require sewers, showing the streets, the location of the sewers, and the depth, grade,

and dimensions thereof which plat, upon being approved by the common council, shall be kept and filed in the office of the board of public works, and constitute a permanent plan to which all subsequent sewers shall conform until changed, on the recommendation of the board of public works, by a two-thirds vote of all the aldermen elect. No sewers shall be constructed hereafter in that part of the city outside the limits of the original sewer plat, except when the same shall be in conformity to a general plan, carefully prepared beforehand. The board shall then cause another plat to be made, according to the above plan, of so much of said city as may be proposed to be then provided with sewers, and which shall include, as nearly as may be, the entire business portion of said city, and the extension of the main or trunk sewers to some convenient point of discharge; and the portion of said city so included shall be known as "sewer assessment district No. 1." When such last mentioned plat is completed it shall be submitted, with specifications and estimates, to the common council for approval, and upon approval of the same, the said council may, by resolution, order the construction of same in manner specified in section fifteen above. The cost of constructing the sewers in said district shall be paid as follows: So much of the main or trunk sewer as lies outside of said "district No. 1" or is not within the limits of any street in said district shall be paid for by the city. To meet the expenses of the construction of sewers in said city, in anticipation of the collection of assessments and taxes to defray the expense and cost thereof, the common council may by resolution authorize and direct the mayor and recorder of said city, to borrow a sum not exceeding ten thousand dollars in any one year, for such purpose and to issue the bonds, or other obligations of said city therefor, bearing interest at a rate not exceeding five per cent per annum, payable semi-annually: *Provided*, That the total amount of sewer bonds or other obligations for sewers which the common council is hereby authorized to issue, shall not exceed one hundred thousand dollars outstanding at any one time. The bonds which may be issued in any one year, shall all be paid within twenty years from the date of issue, the said bonds to be indorsed "sewer bonds" and to be numbered consecutively. Said bonds shall not be sold for less than par, and the proceeds of the same shall be paid to the city treasurer and by him placed to the credit of the sewer fund. The assessment for the cost of the construction of lateral sewers shall be made by the board of public works and collected by the city treasurer, in the manner herein provided for making and collecting special assessments. The expense attending the construction of sewers, shall be borne as follows, that is to say: The amount of expense of constructing any lateral drain or sewer and such proportion of the expense of constructing any main drain or sewer as the construction of a lateral drain or sewer would, in the opinion of the board of public works, amount to, shall be assessed by the

Where filed.

Plan of sewer.

Sewer district No. 1.

To be submitted with estimates, etc., to council.

Cost of construction, how paid.

May borrow money in anticipation of taxes.

Proviso as to limit of bonds, etc.

Assessments, how made.

Expense, how borne.

said board upon the lot through or near which such drain or sewer shall be laid, in proportion to the benefit derived by them respectively therefrom. The amount of so much of the expense of constructing any main drain or sewer as shall exceed the cost of a proper lateral drain or sewer shall be assessed upon the real and personal property included within the corporate limits of the city of Battle Creek in proportion to the assessed valuation of the property in said city. The said board of public works shall cause assessments for the expenses aforesaid of each lateral sewer constructed, to be made out in proper form, with diagram showing the property assessed, and the names of the owners thereof, when known, and when such assessment is made, the said board shall submit the same to the common council. Upon the submission as aforesaid the recorder of the city shall cause notice of the same, with the names of all parties interested, to be published in the official newspaper of the city, once in each week for three successive weeks, that the common council will, on such a day as they shall appoint, proceed to hear any appeals from the said assessment. At the time appointed for that purpose, and such other time as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may complain of such assessments, and may rectify and amend said assessment in whole or in part, or may set the same aside and direct a new assessment; or the said common council may ratify and confirm such assessment without any correction or with such corrections therein as they may think proper. When any such assessment for the construction of sewers shall have been confirmed by the common council, the assessment roll shall be attested by the recorder under seal, and it shall be deposited with the supervisor who shall be responsible for its safe keeping. The supervisor shall place such assessment in the next annual tax roll, in the sewer column thereof, upon and opposite the description of property described in said sewer assessment roll:

Provided, That the common council may order that the said assessment shall be collected as soon as the cost thereof is ascertained and reported by the board of public works, if said council shall deem it best so to do. All assessments shall be collected in the same manner, and with the same remedies as other city taxes.

SEC. 18. Whenever it is deemed necessary to form other sewer assessment districts, the same may be done in the same manner as above specified.

SEC. 19. The owners or occupants of lots or premises on streets having sewers so constructed therein, shall have the right to connect private drains or sewers therewith at their own expense, under such rules as the board of public works may prescribe. In no case shall any owner, occupant or other person, connect with any sewer in the streets of the city, or on private property or elsewhere, who has failed to pay a full share of the usual cost of a public sewer and the board of public works may cause such connection to be summarily removed if so made and the

Notice of hearing appeals, etc.

Hearing of appeals, etc.

Provided.

How assessments shall be collected.

Formation of other sewer districts.

Connecting private drains with public sewers.

Owners to pay share of cost of sewer before making connections.

said owner or occupant and also the party doing the work shall be fined a sum not exceeding one hundred dollars. The board may grant licenses to those engaged in connecting with the public sewers with such fees and under such regulations as the common council or board of public works may prescribe. The common council shall, if the public health at any time require it, have power to compel such owners or occupants to connect their premises with the public sewers and fix the penalties for not doing so.

Board to grant license to connect with sewer.

Council may compel owners to connect with sewer.

SEC. 20. Said board of public works shall annually, on or about the first Monday of March, fix and determine the water rates for the year then next ensuing. Such water rates shall from and after the fixing of the same, be a continuing lien upon the lots and premises on which the water is used and charged, until paid, and the owners or occupants of the premises against which such rates are assessed shall pay the same to the board at its office, in advance, at such time or times as the board may determine; and in case of default in such payment the board may collect the same by an action of assumpsit on the common counts in the name of the city before any court of competent jurisdiction, and shall shut off the water until the same is paid. The board may also shut off the water from any taker, when bills for labor or material, are not promptly paid, or the rules and regulations not complied with, but shall turn on water when payment of rates and penalties is made. The board of public works may compel the use of a water meter in all cases where they deem it advisable: *Provided, however,* That all rules and regulations shall be uniform and general.

Board to fix water rates.

To receive water rates and may collect.

May shut off water for non-payment of bills, etc.

May compel use of meter.

Proviso.

SEC. 22. On or before the fourth Monday in May or as soon thereafter as may be in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which, according to the judgment of the board, will be needed for the water-works fund and the sewer fund during the ensuing year, which estimates may be increased, modified or adopted by the said common council as in its judgment may seem justifiable, and thereupon the common council shall so replenish said funds either from money on hand in the city expense fund or from money received therein in due season afterward, or by tax in the general levy of the then current year as to make them sufficient to meet said charges so approved as likely to come against them.

Board to submit estimates to council, etc.

Duty of council.

SEC. 37. The common council shall have and are hereby invested with full power and authority to pave, gravel, macadamize, or plank any street, lane, or alley; to construct or reconstruct sidewalks, to construct sewers, to fill up, level or drain places rendered unhealthy from the want thereof by special assessment of the cost and expense thereof upon the owners of the property abutting upon and adjoining said improvement according and in proportion to the benefits of said improvement to said property, and for that purpose to designate and describe districts in which such improvements shall be made, and upon which said assessments shall be made, and to provide

Power to pave, gravel, etc., streets, etc.

Proviso.	by ordinance the manner of doing the same, and for assessing the cost and expenses thereof: <i>Provided, however,</i> That no such improvement shall be made without the concurring vote of two-thirds of all the aldermen elect. The amount of any
Assessment to be a lien.	such assessment shall forthwith be a debt to the city from the person to whom it was assessed and a lien upon the property assessed, and the lien for such amount, with all interest and charges thereon, shall continue until payment thereof. The common council may, by ordinance, authorize the treasurer of said city to collect such assessments, with the costs and charges of making the same, in the same manner and with the same powers and remedies as are or may be prescribed by law for the collection of city taxes. The common council may, in its discretion, require any such assessment to be paid or collected before the performance of the work for which such assessment was made. At the time of appointing members of the board of public works, the mayor may, subject to the approval of two-thirds of all the aldermen elect, appoint two good and discreet freeholders of said city, to be assessors of said city. Each assessor shall hold his office for one year and until his successor is appointed and qualified. They shall take the oath of office required of other city officers, and each shall give bond in the sum of five hundred dollars for the faithful performance of his duties, with sureties to be approved by the mayor. One of said assessors to be designated by the mayor shall be <i>ex officio</i> a member of the board of supervisors of the county of Calhoun. Said assessors shall receive such compensation for each day's actual service as the common council may fix. All assessments authorized to be made under this charter and [the] all ordinances as passed in pursuance thereof, shall be made by the supervisor. The said assessors shall do and perform such work as the supervisor may direct, and render him such assistance as he may require and the common council direct.
Manner of collecting.	
Appointment of assessors.	
Term of office.	
Oath and bond.	
Compensation.	
Supervisor to make assessments.	
Powers and duties of mayor.	SEC. 61. The mayor of said city shall be the chief executive officer thereof, and shall be <i>ex officio</i> a member of the board of public works and entitled to vote on all matters before said board, and with same power as any appointed member. It shall be his duty to exercise supervision and control over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the common council are enforced. The mayor shall be conservator of the peace, and may exercise within the city of Battle Creek the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all citizens to aid in the enforcement of the ordinances of the common council, and to suppress riot and disorderly conduct. The mayor may remove any officer appointed by him at any time, except those herein provided otherwise, and may remove for neglect of duty any policeman, fireman or member of the fire department. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé or officer of the corporation, and shall perform generally all such duties as
To be conservator of the peace.	
May remove certain officers.	

are or may be prescribed by the ordinances of the city. He is also hereby authorized and empowered generally to administer oaths and to take affidavits, and shall from time to time recommend such measures to the common council as to him shall seem proper. The mayor shall also have power to suspend the operation and effect of any by-law, ordinance or resolution passed by the common council by filing a notice thereof in writing with the recorder within twenty-four hours of the passage thereof; and if in any case where such notice has been filed as aforesaid the mayor shall, within five days after the passage of such by-law, ordinance, or resolution, file with the recorder his reasons in writing why such by-law, ordinance or resolution should not go into effect, then the same shall not become operative or go into effect unless at the first regular meeting of the common council thereafter the same shall be repassed, without debate, by the concurring vote of two-thirds of all the aldermen then in office; and if so repassed, the same shall go into effect according to the terms thereof; and if such reason in writing shall not be filed as aforesaid, then such by-law, ordinance or resolution shall have the same operation and effect as if no such notice suspending the same had been filed with the recorder as aforesaid. It shall be the duty of the recorder to communicate to the common council, at its next regular meeting, any paper that may have been filed with him pursuant to the provisions of this section.

Suspension of
by-laws, veto
power, etc.

SEC. 65. The supervisor is hereby authorized and required to perform the same duty that the supervisors of townships under the general laws of this State are required to perform in relation to the assessing of property and levying of taxes for State, county, city and school purposes. He shall also issue his warrants, which shall be signed by said supervisor and mayor and sealed with the seal of said city, to the treasurer of said city, for the collection of such taxes, in the same manner as the supervisors of townships issue warrants to the township treasurer for the collection of taxes in townships, and for such services he shall receive such annual salary as shall have been fixed by the common council at its first meeting in the month of March preceding his election. He shall also represent said city in the board of supervisors of said county of Calhoun, and shall be entitled to all the rights, privileges and powers of the other members of said board, and shall discharge the same duty as a member of said board. The mayor and recorder of said city and the aldermen of each ward thereof having the shortest time to serve shall also be *ex officio* members of the board of supervisors of said county of Calhoun, and shall, with the said supervisor and assessors elected or appointed in and for said city, represent said city in the board of supervisors of said county, and shall possess the like powers and be chargeable with the like duties as any other of the members of said board of supervisors, and shall be entitled to the same pay and be paid in the same manner as the other members of said board: *Provided*, That said mayor, *Proviso*.

Duty of
supervisor.

Ex officio mem-
bers of board of
supervisors.

as follows, to wit: Commencing at a point forty rods north of the center of section eight in said township, thence running east one mile, thence south to the south line of section number nine in said township, thence west to the quarter post upon the south side of said section number eight, thence north to the place of beginning, be and the same hereby is constituted a village corporate to be known as the village of [Perrinton] Perrington.

First election.

Board of registration.

Notice of meeting of board.

Election, where held, polls.

Notice of election.

Fire limits.

Governed by general law.

When election not held at time designated.

SEC. 2. The first election shall be held upon the second Monday in June, eighteen hundred ninety-one, and James A. Cassada, George Groom and Robert W. Coleman, shall constitute a board of registration for the purposes of said election and they shall on the Saturday preceding said election hold a session as such board and shall register the names of such persons as may present themselves before them for registration, provided such persons shall have the constitutional qualifications of electors, and shall be residents of said village, in a book to be provided by said board for that purpose. A notice of the time and place of the meeting of the said board of registration shall be posted in at least three public places in said village for at least five days before said meeting, which notice shall be signed by at least one member of the board. Each member of said board shall, before entering upon the duties of his office, take and subscribe the constitutional oath before some officer authorized to administer oaths generally. Said election shall be held in Longwood's hall, Fulton street. The polls shall be open between nine and ten o'clock in the forenoon, and shall remain open until three o'clock in the afternoon. Said board of registration shall also give public notice of said election by posting notices containing the time and place of said election, at least five days previous to the same, in at least three public places in said village.

SEC. 3. The council may prescribe by ordinance from time to time the limits or districts within which wooden buildings or structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

SEC. 4. The said village of [Perrinton] Perrington shall in all things not herein otherwise provided be governed and its powers and duties defined by act number sixty-three of the public acts of eighteen hundred seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof.

SEC. 5. Should the election not be held on the second Monday in June, said election can be held at any time by giving ten days' previous notice of said election.

This act is ordered to take immediate effect.

Approved May 22, 1891.

[No. 333.]

AN ACT to authorize the city of Corunna to borrow money for the purpose of making public improvements in said city, and to issue its bonds for the payment of the same.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Corunna shall be and are hereby authorized and empowered to borrow money on the faith and credit of said city and issue bonds therefor to an amount not exceeding twenty-five thousand dollars, which shall be expended in making public improvements in the city of Corunna: *Provided,* That a majority of the qualified electors of said city voting at an election to be called for that purpose after due notice as required by the provisions of the charter of said city, shall vote in favor of such loan and not otherwise.

Authority to borrow money.

Limit of loan.

Proviso as to submitting question to electors, etc.

SEC. 2. If such loan shall be authorized by a majority vote of such electors at such election said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest not exceeding six per cent per annum as the common council shall direct, and shall be duly signed by the mayor and clerk and sealed with the seal of said city, and negotiated by or under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power and it shall be their duty to raise by tax upon the taxable property of said city such sums as shall be sufficient to pay the amount of said bonds and interest thereon as fast as the same shall become due. All former acts and parts of acts to the contrary notwithstanding.

Bonds, limit of, when payable, interest, etc.

Council may tax property to pay bonds.

This act is ordered to take immediate effect.

Approved May 26, 1891.

[No. 334.]

AN ACT to authorize the village of Three Oaks in the county of Berrien, to raise money to make public improvements in said village, to issue bonds therefor and to provide for the levy of taxes therein to pay the same.

SECTION 1. *The People of the State of Michigan enact,* That the board of trustees of the village of Three Oaks in the county of Berrien, be and is hereby authorized and empowered to borrow money on the faith and credit of said village and to issue bonds therefor, to an amount not to exceed five thousand dollars, which shall be expended in making public improvements in said village of Three Oaks: *Provided,* That a two-thirds majority of the qualified electors of said village voting at an election to be called in conformity with the requirements

Authorized to borrow money.

Limit of loan.

Proviso as to vote of electors.

of act number sixty-two of the session laws of eighteen hundred and seventy-five, shall vote in favor of such loan in the manner specified in said act and not otherwise.

Bonds, limit of,
when payable,
interest, etc.

SEC. 2. If such loan shall be authorized by two-thirds of such electors said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times with such rate of interest not exceeding six per cent per annum, as the board of trustees shall direct and shall be signed by the president and countersigned by the clerk and sealed by the seal of said village and negotiated by or under the direction of said board of trustees and the money arising therefrom shall be appropriated in such manner as said board of trustees shall determine for the purpose aforesaid. And the said board of trustees shall have power and it shall be their duty to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Trustees may
tax property to
pay bonds.

This act is ordered to take immediate effect.

Approved May 26, 1891.

[No. 335.]

AN ACT to incorporate school district number one of the city and township of Kalamazoo, Kalamazoo county, Michigan; and to repeal all acts and parts of acts inconsistent therewith and to provide for the maintenance of a public library under the management and control of the board of education of said district.

Single school
district.

SECTION 1. *The People of the State of Michigan enact,* That the land now within the limits of the corporation of the city of Kalamazoo, as at present organized, and such territory as may hereafter be annexed to said city, and also such contiguous territory as is now a part of school district number one of the city and township of Kalamazoo as now organized or may hereafter be annexed thereto for school purposes shall for such purposes constitute a single school district and be known and designated as school district number one of the city and township of Kalamazoo, by which corporate name it may sue and be sued, and such district shall have all the powers and privileges conferred upon school districts by the general law and in addition thereto such powers and privileges as are conferred by this act and such as may have been heretofore conferred upon it by special enactment.

Name, etc.

Board of trustees.

SEC. 2. The general management and conduct of the affairs of said district shall be vested in a board of six trustees, to be elected as hereinafter provided to be known as a board of education.

Annual district
meeting.

SEC. 3. At the annual meeting of said district, which shall be held on the first Monday in June, eighteen hundred and

ninety-one, the qualified voters thereof shall elect by ballot two trustees for three years, who, with the four trustees holding over, shall constitute the district board of education; and annually thereafter, in the same manner, they shall elect two trustees, who shall hold their office for three years and until their successors have been elected and qualified; and also at the same time and in the same manner shall fill all vacancies that may exist in said board. Board of education.

SEC. 4. Special meetings may be called by the district board; and it shall be the duty of the said board, or of any one of them, to call such meetings on the written request of not less than five legal voters of said school district, by giving the notice required in the next succeeding section; but no special meeting shall be called unless the business to be transacted may lawfully come before such meeting, and no business shall be transacted at a special meeting unless the same be stated in the notice of said meeting. Special meetings, etc.

SEC. 5. All notices of annual or special school district meetings, after the first meeting has been held as provided in this act, shall specify the day and hour and place of meeting, and shall be given at least six days previous to such meeting, by posting up copies thereof in three of the most public places in the district, one copy of which for each meeting shall be posted at the front door of the court house in the city of Kalamazoo; and in case of any special meeting called for the purpose of establishing or changing the site of a school-house, such notice shall be given at least ten days previous thereto: *Provided*, That when any of the district board shall receive a request to call a special meeting, notice shall forthwith be given as above provided of said meeting, which shall be called in not less than six nor more than twelve days from the time the said officer shall receive the notice aforesaid. No annual meeting shall be deemed illegal for want of due notice unless it shall appear that the omission to give such notice was willful and fraudulent. Notices of meetings, etc.

SEC. 6. On the first Tuesday in July after such annual meeting, the trustees thus elected shall meet and elect from their own number a president, secretary and treasurer, whose powers and duties shall be the same as those conferred upon and required of the moderator, director and assessor of school districts in this State, except so far as the same are increased by the provisions of this act or by former special acts passed for the benefit of said district as at present organized. Said board shall have power to fill by appointment all vacancies that may occur in their number until the next annual meeting. Officers of board, when elected, etc.

SEC. 7. The qualified voters of said district shall by vote, at the annual meeting or at any special meeting called for that purpose, raise by tax upon the taxable property of the district, such sums as may be necessary to make the several schools of the district free for tuition in all English branches to the resident scholars thereof, and the district board of education shall forthwith certify to the city clerk the amount of taxes voted at any school meeting. Tax to be voted at annual meeting, etc.

Board to hire
teachers, etc.

Schools to be
graded.

Proviso.

Tuition of non-
resident scholars.

Treasurer to give
bond, etc.

Bond to be filed
with secretary of
board.

Treasurer to
receive and hold
money, etc.

Proviso.

Board to furnish
school-houses
and maintain
library.

SEC. 8. Said board shall have the power to hire any and all necessary teachers for the several schools of the district and fix the amount of their compensation, and all teachers employed by said board shall be considered as legally qualified, without examination by the school inspector, to classify and grade said schools and determine the ages and qualifications for admission thereto: *Provided*, That no scholars otherwise entitled to admission and between the ages of six and eighteen years shall be excluded therefrom; to adopt courses of study and [text-books] text-book for the use of said schools, and to enact such rules and by-laws as may be necessary for the preservation of all the property belonging to said district, for the government of the schools and in reference to all business connected therewith, and to regulate the conduct of all persons in the school and library buildings and on the grounds belonging to said district, and also to levy and collect such sums as they may deem proper for the tuition of each and every scholar taught in said district who is not actually a resident thereof.

SEC. 9. The treasurer of said district, within ten days after his election and before he shall enter upon the duties of his office, shall give a bond to the district in such sums and with such sureties as shall be approved by the district board, for the faithful discharge of the duties of said office, and to account for and pay over all moneys that shall come into his hands by virtue of such office; and he shall have power, by suit at law, under the direction of the district board, in the corporate name of the said school district, to collect all moneys due said district for the tuition of scholars who are not actual residents of said district, or that may be due said district in any other manner whatever. Said bond shall be filed with the secretary of said board.

SEC. 10. The treasurer shall receive and hold, subject to the order of said board, all moneys belonging to said district, from whatever sources derived, and it shall be the duty of the township treasurer of Kalamazoo township and the treasurer of said city to pay over to him on his application with proper warrant from [district] said board, therefor, all moneys that shall come into their hands, respectively, belonging to said district: *Provided*, That all moneys received for library purposes from taxation, the apportionment of fines and penalties, or from donations made for the purpose of making additions to the library or library [buildings] building or grounds, shall be deposited with the [treasurer] treasure of said district and shall be kept separate and apart from the other moneys of said district and drawn upon by the proper officers of said board upon the properly authenticated vouchers of the library committee of said board or of the librarian.

SEC. 11. It shall be the duty of the board of education to provide all necessary fixtures and appurtenances for the said school-houses, and to keep the same in good condition and repair, and to maintain a district library and reading room, and for such purpose to take and hold the library books, fix-

ures and furniture and the library site now held and possessed by said school district, and the donation heretofore made to school district number one of the city and township of Kalamazoo as now organized for the erection of a library building upon the terms upon which said donation was made to and accepted by the present board of education of said school district; to employ superintendents, teachers, janitors and librarians; and to purchase other books and supplies for said library and reading room; to establish, locate and maintain a high school, grammar and primary schools, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools and library in said district and the promotion of the thorough education of the children therein. It shall be the duty of the treasurer of said board to apply for and receive from the city treasurer or other officers holding the same, all moneys appropriated for primary schools and the district library of said district and the said board may adopt by-laws and rules for their own procedure, and to make all needful rules and regulations for the control and management of the schools of said district and the said district library and reading room. Said board shall keep an account of all expenses incurred by it, and all claims for such expenses shall be audited by said board and paid by the treasurer out of any money provided for that purpose, on the order of the secretary countersigned by the president of said board. Said board shall present at each annual meeting of the district a statement of the amount of all receipts and disbursements for the school year, and it shall be the duty of said board to make an estimate of the amount necessary to be raised in addition to other school funds for the entire support and maintenance of such schools for the ensuing year, including the expenses for the management of said library and reading room and the purchase of books and supplies therefor, and any indebtedness of said district; and on or before the first Monday in October in each year the secretary shall certify such amount to the city clerk of the city of Kalamazoo and the clerk of the township of Kalamazoo, and the same shall be levied, collected and returned in the same manner as other taxes.

Duty of treasurer
of board.

Board to keep
account of
expenses.

To present
annual state-
ment of receipts
and expend-
itures.

To estimate
amount for
support of
schools, etc.

SEC. 12. All lands, school-houses and sites, together with the furniture, library, library site, property, effects and estate of school district number one of the city and township of Kalamazoo as at present organized, both real and personal, and all debts and demands due or owing to said district as heretofore existing, are hereby declared to be the property of said district as herein incorporated; and all debts and obligations of said school district number one shall be and are hereby declared the debts, dues and contracts of school district number one of the city and township of Kalamazoo as herein incorporated, and shall be binding on said district according to the respective terms and conditions thereof, and in all respects the same as if this act had not been passed.

All lands etc.,
belong to new
district, etc.

SEC. 13. The qualified voters of said district shall have power, when lawfully assembled, to designate, by a majority of

Sites for school
houses, etc.

Proviso.	the voters present and voting, any number of sites for school-houses, and to change the same by a similar vote at any regular meeting: <i>Provided</i> , That in case they do not agree upon a site for such school-house, the district board shall have power to locate said site. The site of the several school buildings heretofore located, and now held by said school district number one, shall be and are hereby declared and deemed school-house sites for the public schools of said district.
How suits may be brought, etc.	SEC. 14. Suits may be brought by or against said school district number one of the city and township of Kalamazoo in its corporate name on all contracts, obligations, debts, bonds or demands due and unpaid from or to said school district in like manner as they might have been by or against said school district if this act had not been passed.
May sue and be sued, etc.	SEC. 15. Said school district may sue and be sued in its corporate name, in the same manner and before the same courts in which school districts organized and existing under the general school laws of the State may sue and be sued.
Execution not to issue against district, etc.	SEC. 16. No execution shall issue on any judgment against said school district, nor shall any suit be brought thereon, but the same shall be collected in the manner prescribed in this act.
Duty of secretary when final judgment has been obtained, etc.	SEC. 17. Whenever any final judgment shall be obtained against said school district, if the same shall not be removed to any other court, the secretary of the said district board shall certify to the city clerk of the city of Kalamazoo and the clerk of the township of Kalamazoo, the date and amount of such judgment, with the name of the person in whose favor the same was rendered; and if the judgment shall be removed to another court for review, the secretary shall certify the same as aforesaid immediately after the final determination thereof against the district.
Amount of judgment to be assessed against district, etc.	SEC. 18. The said judgment, with interest from the date of the judgment to the time when the warrant for the collection thereof will expire, shall be assessed upon the taxable property of the district by placing the same on the next city and township assessment rolls in the column for school taxes; and the same proceedings shall be had and the same shall be collected and returned in the same manner as other school district taxes.
Board of inspectors, etc.	SEC. 19. It shall be the duty of the district board to elect from its number three members of said board, who shall constitute a board of inspectors for the purpose of conducting the annual, or any special election or meeting of said district.
Clerk of election, etc.	SEC. 20. The said board of inspectors shall, before opening the polls, appoint a suitable person to act as clerk of the election, and said clerk so elected shall take the constitutional oath of office, which oath either of said inspectors may administer.
Ballot box	SEC. 21. Said board of inspectors shall provide a ballot-box, at the expense of the district, and open the polls at such place within said district as the district board shall designate, giving public notice as required by law for the election of members of the district board of education. Said polls shall be open at nine o'clock A. M., or as soon thereafter as may be, on the day
Opening and closing the polls.	

of the annual school meeting, and shall continue open until five o'clock in the evening; and at special meetings the polls shall be opened at such hour as shall be designated by the district board and held open for the time required by law.

SEC. 22. The qualifications of electors and of persons holding office shall be the same as are or may be provided by the general school laws for school districts in this State, and each person offering to vote shall deliver his or her ballot to one of the inspectors who shall deposit the same in the ballot box.

Qualifications of electors.

SEC. 23. If any person offering to vote at such election shall be challenged as unqualified by any legal voter of said district, one of the inspectors shall declare to the person so challenged the qualifications of a voter, and if such person shall state that he or she is qualified, and the challenge shall not be withdrawn, the said inspector shall tender to him or her an oath, in substance as follows: "You do swear, (or affirm), that you are twenty-one years of age, that you have been for the last three months a resident of this school district and that you are liable to pay a school district tax therein." And every person taking such oath shall be permitted to vote on all questions proposed at such meetings. Or he or she may take the following oath, to wit: "You do swear, (or affirm), that for the past three months you have been an actual resident of this school district, or residing upon territory now attached to this school district, and that you are the parent or legal guardian of one or more children, now included in the school census of this district." And every person taking such oath shall be permitted to vote on all questions which do not involve the raising of money.

In case of challenge of electors, etc.

Forms of oaths to be administered to persons challenged.

SEC. 24. If any person so challenged shall refuse to take such oath, his or her vote shall be rejected, and any person who shall willfully take a false oath, or make a false affirmation under the provisions of the preceding section, shall be deemed guilty of perjury.

When vote shall be rejected.

SEC. 25. The clerk of the election shall keep a poll-list, which shall contain the names of all electors voting at such election, and at the close of the polls the inspectors shall immediately proceed to canvass and ascertain the result of the election, which canvass shall be public, and the two persons found to have received the largest number of votes at such election shall be deemed duly elected trustees.

Poll list, canvass, etc.

SEC. 26. The said district board, for and in behalf of said district, shall have power to take, accept and hold any real or personal estate by gift, grant, bequest or devise, for any purpose connected with the schools of said district, or for the benefit of said library and reading room, and said district board shall use and appropriate the same for the purposes and uses mentioned in the instrument giving, granting or devising the same, and for no other purpose.

Power to hold real and personal estate, etc.

SEC. 27. Said library and its appurtenances and the lot and building occupied therefor shall be and remain the property of the corporation created by this act, and shall be for the benefit of and be open to all residents of said school district, under

Library to remain property of district, etc.

such rules, regulations and restrictions as the district board shall from time to time make and ordain. And the said board shall have power to exclude from the privileges of said library and from the library building and grounds any person who shall willfully violate any of said rules, or commit any damage upon said building or grounds or upon any of the property thereof.

Provisions for
jury to fix com-
pensation for
school-house site.

SEC. 28. Whenever a site for a school-house shall be designated, determined or established in any manner provided by this act, and the district shall be unable to agree with the owner or owners thereof upon the compensation to be paid therefor, or in case such district shall, by reason of any imperfection in the title to said site, arising either from a break in the chain of title, tax sale, mortgage levies or any other cause, be unable to procure a perfect, unincumbered title in fee simple to said site, the district board of said district shall authorize one or more of its members to apply to the circuit judge of said county, or to any circuit court commissioner thereof, for a jury to ascertain and determine the just compensation to be made for the real estate required by said school district for such site and the necessity for using the same, which application shall be in writing and shall describe the real estate required as accurately as is required in a conveyance of real estate: *Provided*, That whenever said school district shall have designated, selected or established in manner provided by this act a school-house site, such selection, designation or establishment shall be *prima facie* evidence to said jury of the necessity of using the site so established, and all subsequent proceedings therein shall be taken in pursuance of the general laws of the State regulating proceedings taken to condemn lands for school site purposes.

Proviso.

Electors may
authorize board
to borrow money,
etc.

SEC. 29. The qualified electors of said district present at any annual meeting, or special meeting called for that purpose, may authorize the said district board to borrow money and issue bonds of the district therefor, to pay for a school-house site or sites and to erect and furnish school and library buildings or to repair, alter or add to the same: *Provided*, That the indebtedness of said district shall in no case extend beyond ten years for money borrowed: *Provided further*, That in all proceedings under this section the vote of said district shall be taken by ballot and said balloting shall be conducted in the same manner as is provided in this act for the conducting of elections of the members of the board of education thereof.

May issue bonds,
etc.

SEC. 30. Whenever the school district shall have voted to borrow any sum of money, the district board thereof are hereby authorized to issue the bonds of the district in such form and executed in such manner by the president and secretary thereof, and in such sums not less than fifty dollars, as said district board shall direct and with such rate of interest, not exceeding five per cent per annum and payable at such time or times as the district shall have directed.

SEC. 31. Whenever any money shall have been borrowed

by said school district, the taxable inhabitants thereof are hereby authorized at any regular annual meeting thereof to impose a tax upon the taxable property in said district for the purpose of paying the principal thus borrowed, or in part thereof, and the interest thereon to be levied and collected as other school district taxes are collected.

Taxation to pay bonds, etc.

SEC. 32. Whenever it shall appear that the same can be done on terms advantageous to said district, it may borrow money to pay any bonded indebtedness of the district then existing and issue further bonds of the district therefor: *Provided*, That a majority of the qualified voters thereof shall so determine at any annual or special meeting called for that purpose and the notice for such meeting, whether annual or special, shall state the intention to take such vote, and that such vote shall be taken by ballot conducted in all respects in the same manner as is provided in this act for the election of [the] members of the district board of education.

May borrow money to pay bonded indebtedness, etc.

SEC. 33. The members of the present school board of district number one of the city and township of Kalamazoo, shall constitute the first district board of education of the district hereby created and shall serve as members of said district board until their respective terms of office would have expired if this act had not been passed and until their successors are elected and qualified, and this act shall not affect any right secured, created or established, or the title to any property acquired or any proceeding or transaction, tax, assessment, contract debt or liability had, taken, commenced or incurred prior to the time this act takes effect, but every such act, claim, right, proceeding or liability shall remain as valid and effectual as if this act had not taken effect.

First district board of education, etc.

SEC. 34. School district number one of the city and township of Kalamazoo shall in all things not herein otherwise provided, be governed by and its powers and duties defined by the general laws of this State regulating school districts and district libraries therein, and all acts and parts of acts inconsistent with this act are hereby repealed.

To be governed by general law, etc.

SEC. 35. All the rules of school district number one of the city and township of Kalamazoo now in force and not inconsistent with the provisions of this act are continued in force until the same shall be changed or repealed according to law.

Present rules to continue in force.

This act is ordered to take immediate effect.

Approved May 26, 1891.

[No. 336.]

AN ACT to amend article twelve of act number three hundred fifty of the session laws of one thousand eight hundred seventy-five, entitled "An act to reincorporate the village of Cassopolis," approved April twenty-third, one thousand eight hundred seventy-five, by adding three new sections

to said article, to stand as sections six, seven and eight, authorizing said village to borrow money and issue bonds therefor.

Article amended.

SECTION 1. *The People of the State of Michigan enact,* That article twelve of act number three hundred fifty of the session laws of one thousand eight hundred seventy-five, entitled "An act to reincorporate the village of Cassopolis," approved April twenty-third, one thousand eight hundred seventy-five, be and the same is hereby amended by adding thereto the three following new sections, to stand as sections six, seven and eight.

Authority to borrow money, etc.

SEC. 6. The board of trustees shall have power to borrow for such public improvements as they may determine upon in said village, sums of money not to exceed the total sum of ten thousand dollars when authorized by a two-thirds vote of the electors voting upon the question at any annual or special election.

To be submitted to electors.

SEC. 7. The proposition to borrow any sum of money for the purpose mentioned in the last section, shall be submitted to a vote of the electors by a resolution of said board stating therein the amount and specific purpose of the proposed expenditure for which such money is required and appointing the time when the vote will be taken. Such resolution shall be published in a newspaper printed in said village and copies of the resolution shall be posted in three of the most public places in the village at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot, the contents thereof to be prescribed in said resolution submitting the proposition to the electors. Electors to be property owners liable to pay a village tax the year the election is held.

Resolution to be published.

Qualification of electors.

Bonds, etc.

SEC. 8. For any loans lawfully made the bonds of the village for one hundred dollars each may be issued bearing a rate of interest not to exceed six per cent. A record showing the dates, numbers, and amounts of all bonds issued and when due, shall be kept by the clerk. When deemed necessary by the board to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change but not increase the indebtedness of the village. But the money so raised shall not be used for any other purpose than that authorized by the vote of the electors as aforesaid: *Provided*, That said bonds shall not be sold for less than par.

Proviso.

This act is ordered to take immediate effect.
Approved May 26, 1891.

[No. 337.]

AN ACT to incorporate the public schools of the city of North Muskegon.

School district.

SECTION 1. *The People of the State of Michigan enact,* That school district number four of the township of Laketon

in Muskegon county, Michigan, be abolished, and that the city of North Muskegon in said county shall constitute one school district, and said school district shall be and is hereby made a Body corporate. body corporate by the name and style of the "public schools of the city of North Muskegon," and shall possess and enjoy all the usual powers of corporations organized for public purposes, and by the corporate name may sue and be sued, plead and be impleaded, defend and be defended, and may purchase, hold, acquire, sell, convey and dispose of such real and personal property, as it is authorized to purchase or acquire by this act.

SEC. 2. All of the public schools in said district, shall be under the control and management of a board of education, Board of education. consisting of six trustees, who shall hold their office for two years and until their successors are elected and qualified; and who shall be electors of said district, qualified to vote on all questions at annual elections therein. Three of said trustees shall be elected at each annual election of said district as hereinafter provided.

SEC. 3. The first election in said school district shall be held First election. on the first Monday in July, one thousand eight hundred and ninety-one, at the central school-house in said district, notice Notice of election. of which shall be given by the director of the said school district number four, by posting a written or printed notice in two public places in each ward in the city at least six days prior to said election and also publishing the same for three consecutive days in some daily paper printed and circulated in the city of North Muskegon, or in the city of Muskegon, prior to said election. Said notice shall state the time and place of said election, and the purpose for which it shall be held.

SEC. 4. Prior to the day said first election shall be held, the board of trustees of the late district number four, shall elect Board of inspectors. from their number two persons, who shall constitute a board of inspectors for said election.

SEC. 5. Said board of inspectors shall, before the polls of said election are opened, appoint some suitable person as clerk of said election, and they shall all take the constitutional oath of office; said election in all other respects shall be conducted the same and with like effect as annual and special elections hereinafter provided for. Election, how conducted.

SEC. 6. At said first election there shall be elected three Terms of office, etc. members of the board of education, who shall hold office for the term of one year, and until their successors are elected and qualified; and three members, who shall hold office for the term or two years, and until their successors are elected and qualified; and the tickets for said members so voted shall specify the term for which said members are to hold office; and at each annual election held in said district thereafter there shall be elected three members who shall hold office two years, and until their successors are elected and qualified; and the members so elected at said first election, shall within five days

after said election, file with the city recorder of the city of North Muskegon an acceptance of said office in writing, and within ten days they shall meet and organize as hereinafter provided.

Present officers
to continue, etc.

SEC. 7. All the officers of the late district number four of Laketon township shall be considered the officers of the new district and they shall continue to hold and exercise the duties of their several offices until after the first election in said new district and until the board of education is duly organized as above provided.

Annual elections.

SEC. 8. The annual elections held under the provisions of this act shall be held on the second Monday of July in each year, at some place within said district to be designated by the board of education. The board of education shall give notice of said election and of the time and place of holding it, and what matters are to be submitted to the people at said election, by publishing the same in some newspaper published and circulated in the city of North Muskegon or in the city of Muskegon for one week before the day of said election and by posting a written or printed notice thereof in two public places in each ward of said city not less than six nor more than ten days before the said election.

Notice of.

Special elections.

SEC. 9. Special elections may be held at any time whenever the board of education shall by resolution order the same, and shall be called in the same way, and conducted in all respects in the same manner as the annual election.

Board of
inspectors.

SEC. 10. Prior to the day the annual election or any special election shall be held the board of education shall elect from its number two persons who shall constitute a board of inspectors for said election.

Clerk.

SEC. 11. Said board of inspectors shall, before the polls of said election are opened, appoint some suitable person to act as clerk of the election, and they shall all take the constitutional oath of office. The inspectors and the clerk of said election shall each receive two dollars for their services at said election, to be paid by the treasurer of the board of education out of the contingent fund of said district.

Compensation.

Ballot box.

SEC. 12. Said inspectors of election shall provide a ballot box with lock and key at the expense of said district, and shall open the polls of said election at four o'clock in the afternoon and keep the same open continuously until eight o'clock the same afternoon.

Qualification of
electors.

SEC. 13. The qualification of electors at any such election shall be the same as the qualifications of electors at primary school meetings in the townships of this State under the general laws, and there shall be the same right of challenge of any voter, and the proceedings by which any person challenged may swear in his vote shall be the same as under said general law.

Poll list.

SEC. 14. The clerk of the election shall keep a poll list which shall contain the names of all the persons voting at such election, and at the close of the polls the inspectors shall

immediately proceed to canvass the votes and declare the result of the election, which canvass shall be published and the result thereof declared as in elections held under the general laws of this State. The clerk of said election shall file a certificate of such election with the secretary of the said board, who shall at once notify the trustees elect of their election. Such trustees shall file with the secretary of the board an acceptance of the office in writing within ten days after receiving such notice, or be deemed to have declined the same. In case of declination, the board may fill the office by appointment, to hold office until the next annual meeting.

Certificate of election.

SEC. 15. The said trustees shall meet within ten days after the annual election and organize by electing one of their number president, one of their number secretary, and one of their number treasurer, who shall severally hold their offices for one year and until their successors are elected and qualified, and may, by new election, fill any vacancy that may occur in either of said offices. The said board shall have the power to fill any vacancy in the office of trustee until the next annual meeting, and each trustee so chosen shall, within ten days thereafter, file with the secretary of said board an acceptance in writing, as provided in section ten of this act.

Organization and officers of board.

Vacancies, how filled.

SEC. 16. The majority of the members of said board shall constitute a quorum for the transaction of business, and shall meet from time to time as they may determine for the transaction of business, and it shall keep a record of all its proceedings; and said board shall have the control and management of all the property and affairs of the district and the schools organized or that may be organized therein.

Quorum.

SEC. 17. The board of education shall establish and maintain such schools as the public interests may require, and do all things needful for the maintenance and success of the schools in said district and for the education and training of the children therein. Said board may admit non-residents and other persons to the privileges of the schools, upon such terms as it may prescribe, so far as the same can be done without depriving those legally entitled thereto of any school privileges.

Board to establish and maintain schools.

May admit non-resident scholars.

SEC. 18. The board of education shall have power and authority and it shall be their duty:

Powers and duties of board.

First, To appoint and employ a superintendent, and teachers and instructors, and to determine their salaries, and define their duties;

Second, To establish a school library in said city and designate the place or places where the same shall be kept, and to appoint a librarian who may be paid such compensation as the board may designate;

Third, To designate and establish such number of sites for school-houses in the district as may be necessary and to purchase and procure the lands therefor by agreement or condemnation in manner provided by the general school laws of this State; and to erect and maintain thereon proper and suitable school-houses and keep the same in good repair, and to pur-

chase furniture and appurtenances for such buildings and grounds: *Provided*, That said board shall not have authority to erect any school-house until the propriety of the erection of such building shall have first been submitted to a vote of the electors of said district and by them authorized at an annual or special district election. Said board may also lease land and buildings for the use of the schools and may sell and dispose of the lands and property of the district whenever no longer needed;

Fourth, To apply to and receive from the county treasurer or other officers all moneys appropriated or belonging to the primary or other school funds of said district, or for library or other purposes and to expend the same according to law;

Fifth, To perform the powers and duties of school inspectors of townships within and for said city.

Board to determine qualifications of teachers.
Board of examiners.

SEC. 19. The board of education shall be the sole judge of the qualifications of teachers to be employed in the schools of the district; once in each year said board shall appoint two of their number and two other persons either in or out of the district to hold an examination of applicants; the two members so appointed, together with the two other persons chosen, shall constitute a board of examiners for said district for the examination of applicants for the position of teacher in the schools of the district; at least one examination shall be held during the year at such time and place as the board of education shall direct; within five days after such examination the board of examiners shall report the result of said examination to the board of education, and the standing of each applicant, and they may attach to such report any such recommendation as they see fit.

Compensation of board of examiners.

SEC. 20. The members of said board of examiners shall be entitled to such compensation for the time they were actually engaged in such examination as the board of education shall designate, the same to be paid out of the contingent fund of said district.

Census, etc.

SEC. 21. The board of education shall within the time and in the manner provided by law, cause a census to be taken annually of all the children between the ages of five and twenty years inclusive residing in the district and report the same and make and transmit all other necessary reports to the proper officers as designated by law, in order that the district may receive its share of the primary school fund and library moneys. For the purpose of distribution of the primary school fund collected for fines and penalties, the city shall be considered the same as a township.

Board to make annual statement.

SEC. 22. On or before the fifth day of July in each year the board of education shall make and publish in one or more newspapers circulated in the city of North Muskegon, a statement of the number of schools under its charge, the number of teachers employed, the number of pupils instructed therein and expenditures of the district for the preceding year ending June thirtieth, showing the items thereof, the sources of income,

employés, the obligations incurred during the year and the amount of indebtedness outstanding. Said board shall also publish at the same time the estimates required to be made of the expenditures for grounds and buildings and support of the schools for the ensuing year commencing on the first day of July of that year and the items thereof. Annual estimates.

SEC. 23. The board of education are hereby authorized and it is made their duty once in each year to ascertain and determine by resolution passed at any regular or special meeting of said board by vote of a majority of all the members the sums necessary and proper for any or all the following purposes: To determine sums necessary, etc.

First, To lease, enlarge, alter, improve, and repair school-houses and their outhouses and appurtenances, and for the payment of interest and indebtedness falling due;

Second, To purchase, exchange, improve, and repair school apparatus, books, furniture and appendages;

Third, To procure fuel and defray the contingent expenses of the schools and the expenses of the school library and the necessary contingent expenses of said board;

Fourth, To purchase books for the school library, to an amount not exceeding one hundred dollars in any one year;

Fifth, To pay superintendent's and teachers' wages after the application of the public moneys which may, by law, be appropriated and provided for that purpose.

SEC. 24. Said board shall, on or before the first Monday of July in each year, transmit a certificate of the total amount so estimated to the common council of the city of North Muskegon, which amount so reported the said common council shall cause to be raised by tax on all taxable property in the city with the general city taxes next thereafter to be raised: To certify amount to council.

Provided, That the amount so to be raised in any one year for the support of the schools and for all other purposes, including the bonded and other indebtedness of said district and interest thereon, the one mill tax and primary school fund, and the tax for the support of the library hereinbefore provided, shall not exceed two per cent of the taxable property in the city, as shown by the assessment roll of the preceding year. Provide as to limit of tax.

SEC. 25. The board of education may by a vote of two-thirds of all the members elect borrow money from time to time, if necessary to pay current expenses, in anticipation of the collection of taxes levied or herein authorized to be levied for school purposes during the same year, such sum not exceeding the tax, and to be paid therefrom as said board may deem expedient. May borrow money.

SEC. 26. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing sections, such sum, not exceeding one per cent of the taxable valuation of the property in the city for the preceding year may be raised by tax or loan if authorized by a majority vote of all the qualified electors of the district present at any annual or special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and May raise money by tax or loan, etc.

object of any such meeting shall be given by publishing such notice in one of the newspapers published in the city and by posting written or printed notices in five public places in the city at least ten days before the meeting.

May refund debt,
etc.

SEC. 27. The board of education may refund the debt of the district on such terms for such time as it may from time to time deem expedient.

Treasurer to give
bond, etc.

SEC. 28. The treasurer shall give a bond to the public schools of the city in such sum and with such sureties as the board of education shall approve, conditioned for the faithful performance of the duties of his office. Such bond shall be filed with the secretary of the board before the treasurer shall enter upon the duties of his office. All school and library moneys receivable from the county treasurer and from the collection of taxes and from other sources shall be deposited with the treasurer of the public schools and the treasurer shall deposit all the funds of the district in some bank in the city of North Muskegon or in the city of Muskegon in said county to be designated by the board of education, and such deposits shall be made in such manner as to draw the highest rate of interest obtainable; and all funds so deposited shall be subject to withdrawal at all times as it is needed for the use of the district, but the funds of the district shall not be used, applied to, or paid out for any purpose, except upon the written order of the president, countersigned by the secretary of the board. Any officer or person paying to the treasurer any money belonging to the public schools, shall take duplicate receipts therefor, and transmit one of them to the secretary of the board.

May borrow
money, etc.

SEC. 29. Said school district may, by a vote of a majority of the qualified electors of said district present at any annual meeting or special meeting [called] for that purpose, borrow money, and may issue bonds of the district therefor, to pay for school-house site or sites, and to erect and furnish school buildings and to pay any bonded indebtedness of said district then existing, but said district shall not have an indebtedness to exceed thirty thousand dollars, nor shall the indebtedness of said district in any case extend beyond ten years for money borrowed: *Provided*, That in all proceedings under this section the president and secretary of the board of education, and one person appointed by the electors present at said meeting, shall constitute a board of inspectors, who shall cause a poll list to be kept, and a suitable ballot box to be used, which shall be kept open four hours, while said balloting shall be conducted in the same manner as other district elections.

Proviso.

May issue bonds.

SEC. 30. Whenever said school district shall have voted to borrow any sum of money, the board of education is hereby authorized to issue the bonds of said district, in such form, and executed in such manner by the president and secretary, and in such sums, not less than fifty dollars as the said board of education shall direct, and at such rate of interest not exceeding eight per cent per annum, and payable at such time or times as the said district shall have directed.

SEC. 31. Whenever the board of education shall deem it advantageous to the interests of the district it shall have the power to extend the time of the payment of the bonded or other indebtedness of the district by the issue of new bonds or other obligations to be issued in the place of former bonds or obligations falling due, in such manner as merely to change, but not to increase the indebtedness of the district.

May issue new bonds, etc.

SEC. 32. Whenever any sum shall have been borrowed by said district, in the manner above provided for, the taxable inhabitants of said district are hereby authorized, at any regular meeting of said district to impose a tax upon the taxable property in said district, for the purpose of paying the principal, thus borrowed, or any part thereof, and the interest thereon, to be levied and collected as other school district taxes are collected.

To raise money by tax to pay indebtedness.

SEC. 33. The board of education may, by and with the consent of the common council of the city of North Muskegon, appoint a truant officer, who shall hold office for the term of one year, and until his successor shall be appointed and qualified and whose powers and duties as truant officer shall be defined by the board of education; he shall in addition to his other powers and duties have the same powers and duties and be governed by the same rules and regulations as a deputy marshal of said city of North Muskegon.

Truant officer, etc.

SEC. 34. The secretary of the board shall receive such compensation for his services as the board shall determine, otherwise no member of the board shall receive any compensation. No member of the board shall be a party to or interested in any contract with the public schools.

Compensation of secretary.

SEC. 35. All the school buildings, property, moneys and effects situated in and belonging to school district number four of Laketon township, in Muskegon county, in this State, at the time this act takes effect, shall be vested in and be the property of the district hereby designated as the "public schools of the city of North Muskegon," and all debts and liabilities of said school district number four shall be the debts and liabilities of and paid by the school district hereby incorporated, and all contracts existing between said school district number four and all persons shall be deemed to be contracts between the district hereby created and such persons. Any tax levied and uncollected in such former district shall be collected and enforced as if such new corporation had not been created.

Buildings, property, etc., to belong to new district, etc.

SEC. 36. Said school district shall be entitled to its proportionate share of all books in the township library of Laketon township, Muskegon county, at the time the board of education is organized, and its proportionate share of all library moneys in the treasury of said township at that time, *pro rata*, according to the number of school children in said district; and the said township shall deliver to said school district, upon demand, its just proportion of said library and library money, as provided in this act.

Entitled to share of books, etc.

This act is ordered to take immediate effect.

Approved May 26, 1891.

[No. 338.]

AN ACT to empower the county of Muskegon to make, own and control an abstract of the records of the deeds, mortgages and other conveyances and liens, relative to the title to all real estate in said county, and to provide for the care, custody and keeping up of the same.

May make, own,
etc., abstracts of
records, etc.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the county of Muskegon to make, own and control an abstract of the records of the deeds, mortgages and other conveyances and liens relative to the title to all real estate in the county of Muskegon, and to provide for the care, custody and keeping up of the same.

Appropriation
for, limit of, etc.

SEC. 2. For the purpose of making said abstract, the board of supervisors of said county is hereby authorized to appropriate from the contingent fund of said county a sum not exceeding ten thousand dollars in any one year, and such other sums from year to year, not to exceed the sum of one thousand dollars annually, as may be necessary to keep said abstracts written up to date.

To make con-
tracts for books,
etc.

SEC. 3. The board of supervisors of said county of Muskegon is hereby fully empowered to make all necessary contracts for the purchase of books, and the work thereon necessary for the completion of said abstracts by either the register of deeds of said county or any other person or persons selected by said board of supervisors, but in case said abstract is made by any person or persons other than the register of deeds, the same shall be made at the office of said register of deeds and under his supervision, for which supervision he shall receive such reasonable compensation as said board of supervisors shall allow.

To be kept in
register's office,
etc.

SEC. 4. Said abstracts, when completed, shall be kept in the office of the register of deeds of said county of Muskegon, and be at all times under his charge, and he shall, at all times be responsible for the safe care and custody of the same, damage or destruction by the elements excepted.

Transcripts, etc.

SEC. 5. The register of deeds shall have the right and it shall be his duty to make transcripts from said abstract and to certify to the correctness of the same, on the application of any person and shall, in his individual capacity, be liable to any person damnified on account of the incorrectness of any transcript so furnished by him, resulting from his neglect, and he shall give a bond to the people of the State of Michigan in such sum and with such sureties as the board of supervisors shall approve, for the faithful discharge of all duties imposed by the provisions of this act, and the payment of any judgment which may be secured against him for damages, as provided in this section.

Fees for tran-
scripts, etc.

SEC. 6. For making any transcript of such abstract books said register of deeds shall charge the following fees and no more, viz.: For the first conveyance, forty cents; for each sub-

sequent conveyance, incumbrance or lien, ten cents; and for his certificate, when demanded, as to the correctness of such transcript, twenty-five cents. All of which fees shall, by said register of deeds be paid to the county treasurer of the county of Muskegon on the first day of each month, and by said treasurer be placed to the credit of the contingent fund of said county.

SEC. 7. Said register of deeds shall receive an annual salary, payable from the contingent fund of said county, for the care and custody of said abstract and the making of all transcripts therefrom, and certifying to the same, of not less than one thousand nor more than two thousand dollars, as shall be determined by the board of supervisors.

Approved May 26, 1891.

[No. 339.]

AN ACT to authorize the village of Durand, in Shiawassee county, Michigan, to borrow money for the purpose of making public improvements in the said village of Durand, to provide for the disbursement thereof, to issue bonds therefor, and to provide for the levy of taxes therein to pay the same.

SECTION 1. *The People of the State of Michigan enact,* That the village council of the village of Durand, county of Shiawassee and State of Michigan, shall be and is hereby authorized and empowered to borrow money on the faith and credit of the said village, and to issue bonds therefor to an amount not exceeding five thousand dollars, which shall be expended in making public improvements in the said village of Durand: *Provided, however,* That a two-thirds vote of the qualified electors of the said village who are present and voting at an election to be called in conformity with the requirements of act number sixty-two of the session laws of eighteen hundred and seventy-five, shall vote in favor of such loan in the manner specified in the said act and not otherwise.

SEC. 2. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times and with such rate of interest not exceeding six per cent per annum as the said village council shall direct, and shall be signed by the president and countersigned by the clerk and sealed with the seal of the said village, and shall be negotiated by and under the direction of the said village council, and the money arising therefrom shall be appropriated in such manner as the said village council shall determine for the purpose aforesaid, and the said village council shall have the power and it shall be their duty to raise by tax upon the taxable property of the said village such sum or sums of money as

shall be sufficient to pay the amount or amounts of said bonds with the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved May 26, 1891.

[No. 340.]

AN ACT to revise the charter of the village of Blissfield.

Territory --
Incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all that tract of country situated in the township of Blissfield, in the county of Lenawee, and State of Michigan, and described as follows, viz.: The southwest quarter of section twenty-nine, the south three-quarters of section thirty, the east half of the northwest quarter of section thirty-one, the northeast quarter of section thirty-one, the east half of the southeast quarter of section thirty-one, the southwest quarter of section thirty-two, and the northwest quarter of the southeast quarter of section thirty-two, the west half of the northeast quarter of section thirty-two, the northwest quarter of section thirty-two, be and the same is hereby created and incorporated into a village, to be called and known by the name of the village of Blissfield.

OFFICERS—ELECTION OF.

Officers, terms,
etc.

SEC. 2. The officers of said village shall consist of a president, six trustees, a village clerk, assessor, treasurer, marshal and street commissioner. The president, clerk, assessor, and treasurer, shall hold their respective offices for the term of one year, and until their successors shall be elected and qualified. The trustees shall hold their respective offices for the term of three years, and until their successors be elected and qualified. The president shall be elected from the electors of the west side of the river running through the village, one year, and of the electors of the east side of said river the next year, and so alternately. Three of the trustees shall be elected from the west side of said river, and three of the trustees from the east side of the river, and annually one trustee shall be elected from the electors of the west side of said river, and one trustee from the electors of the east side of said river and the annual election shall be held on the first Monday of March in each year, and the polls shall be open from eight o'clock in the forenoon until twelve o'clock, and from one o'clock until four o'clock in the afternoon.

President.

Trustees.

Annual election.

Body corporate,
etc.

SEC. 3. The president and trustees of said village shall be a body corporate and politic, under the name of "the common council of the village of Blissfield," and by that name they and their successors shall be known in law, and are hereby made

capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever; and may have a common seal and may alter and change the same, and by the same name are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said village.

SEC. 4. The common council shall appoint annually a village marshal and street commissioner. The common council may also appoint an overseer or overseers of highways, and all such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act and may prescribe their duties; but any such appointment shall be made at a regular meeting of the common council. Village marshal.

SEC. 5. No person shall be elected or appointed to any office created by this act unless at the time of such election or appointment he shall be an elector of said village, and shall have resided in said village three months next preceding his election or appointment. Qualifications for office.

SEC. 6. All officers elected under the provisions of this act, and all officers appointed by the common council, shall within ten days after notice of their election or appointment, take and subscribe, before some officer authorized to administer oaths, the oath of office prescribed by the constitution of this State, and that he will faithfully and impartially discharge the duties of his office, according to the best of his ability, and file the same with the village clerk; and every such officer, before he enters upon the duties of his office, and within the time limited for filing his official oath, shall file with the clerk such security for the due performance of the duties of his office as may be required by law, or by any order of the common council, to be approved by the common council. Oath, bonds, etc.

SEC. 7. All officers elected or appointed in pursuance of this act, shall enter upon the duties of their offices immediately upon filing the required oath and security. All officers elected to fill a vacancy, shall hold for the residue of the unexpired term thereof, and until their successors are elected and qualified; and all officers appointed by the common council shall hold their office, not to exceed one year, or until the same expires by its terms of appointment or until the common council revoke their appointment or accept the resignation of such officer. When officers to enter upon duties, etc.

SEC. 8. The president and trustees shall each receive for services rendered by them as inspectors of elections, and when determining what persons are elected to office as provided in section eighteen, such compensation as shall be allowed by law to inspectors of elections in the several townships of this State; but for all other services rendered by them, they shall receive no compensation; the treasurer, clerk, assessor, and all officers appointed by the common council, shall each receive such compensation for their services as the common council Compensation.

shall from time to time direct, by resolution entered upon their records.

Removals from office.

SEC. 9. The common council shall have power to remove from office the marshal and any officer appointed by them, for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council; but such removal shall not exonerate any such officer or his sureties from any liability incurred.

Resignations.

SEC. 10. The resignation of any officer, authorized by this act to be elected or appointed, shall be made to the common council, subject to their approval or acceptance.

When office vacant, etc.

SEC. 11. If any officer elected or appointed to any office of the corporation, shall cease to be a resident of the village, such office shall be thereby vacated; and if any person elected or appointed to any office under the provisions of this act shall neglect to file his oath of office, as in this act directed, or shall neglect to file an official bond when the same is required, within the time herein limited, such neglect may be deemed a refusal to serve; and in case of such neglect, the common council may proceed immediately to cause such office to be supplied as in case of a vacancy.

Vacancies, how filled.

SEC. 12. A vacancy in the office of clerk, marshal, treasurer, assessor, street commissioner, or either of them, whether by death, resignation or removal, or otherwise, shall be filled for the unexpired term by appointment, to be made by the president and trustees, and any vacancy in the number of trustees shall be filled in the same manner.

Qualifications of electors.

SEC. 13. The inhabitants of said village being electors under the constitution of the State of Michigan, and no others, shall be qualified electors under this act; and each person offering to vote at any election held by virtue of this act, if challenged by any elector of said village, shall, before his vote shall be received, take one of the oaths provided by law to be administered in the case of challenge at general and special elections in this State, the word "village," instead of "township," being used in the oath.

Annual election.

SEC. 14. The annual village election shall be held on the first Monday of March in each year, and special elections may be held at such times as the common council shall, by resolution entered upon their records, designate.

Notice of election.

SEC. 15. Notice of the time and place of holding any election shall be given by the clerk five days before such election by posting such notice in three public places in said village and by publishing the same in a newspaper, if there be one printed in said village; and in case of a special election, such notice shall set forth the purpose and object of the election as fully as the same is set forth in the resolution appointing such election; and on the day of elections held by virtue of this act the poll shall be opened at eight o'clock in the forenoon and shall continue open until twelve o'clock noon, and shall be open from one o'clock until four o'clock in the afternoon of the same day.

Opening and closing of polls.

SEC. 16. The common council of said village, or any three of its members, shall be the board of inspectors of election, and the clerk of said village shall be the clerk of such board. If the clerk be absent, then one of the trustees may act as clerk. Inspectors of election.

SEC. 17. Elections held in pursuance of the provisions of this act shall be conducted as nearly as may be, in the same manner as is provided by the law for holding of general and special elections in the State of Michigan, except as herein otherwise provided, and the inspectors shall have the same powers and authority for the preservation of order during the time of holding the election and canvassing the votes as are conferred by law upon inspectors of general elections held in this State. Elections, how conducted.

SEC. 18. It shall be sufficient to keep but one poll list at any election held for said village, and when the inspectors holding any election shall have completed the canvass of votes, they shall thereupon certify and declare in writing the whole number of votes given for each office, the names of the persons for whom such votes for each person were given, and the number of votes so given to each person, and shall file such certificate in the office of the clerk of said village before ten o'clock in the forenoon of the next day after said election, together with the poll list and box or boxes containing all the ballots cast at said election, and within twenty-four hours after such certificate shall have been so filed the common council shall convene at their usual place of meeting and then determine what persons are elected to the several offices respectively, and cause such determination to be entered upon their records; and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council shall determine by lot which of such persons shall be considered elected. Poll lists, etc.

SEC. 19. It shall be the duty of the village clerk, within five days after the meeting and determination of the common council as provided in section eighteen, to notify each person elected, of his election, and also within five days after the common council shall appoint any person to any office, the clerk shall notify such person of such appointment. Inspectors' certificate.

SEC. 20. The expenses of all elections to be held as provided by this act, shall be chargeable to said village, and paid as are other contingent expenses. In case of tie.

SEC. 21. Each and all of the officers of said village, including firemen and officers of the fire department, and such other officers and agents as may be appointed by the common council shall, in addition to the duties specially imposed upon them by this act, perform and discharge such other duties as may be required of them in any by-law and ordinance of said village, or by any order or resolution of the common council. Clerk to notify persons of election, etc.

SEC. 22. It shall be the duty of the president to preside at all meetings of the common council, and he shall be the chief executive officer of the village. It shall be his duty to cause the appointed officers of said village to comply with and faithfully discharge their official duties, and cause all laws pertain- Election expenses.

ing to the municipal government of said village, and all ordinances and resolutions and regulations of the common council, to be observed and executed, and to exercise supervision and control over the conduct of all such officers, as may be appointed or removed by the common council, and to examine all complaints against them for neglect of duty; to recommend to the common council such measures as he may deem expedient; to expedite such as shall be resolved upon by them, and in general, to maintain the peace and good order, and advance the prosperity of the village; and whenever, in his opinion, the peace and safety of the inhabitants require it, he may at any time appoint one or more policemen or watchmen, who shall be conservators of the peace, and who shall have the same power to make arrests and suppress disturbances as is conferred by this act upon the village marshal.

Duty of trustees. SEC. 23. It shall be the duty of every trustee in said village to preside at elections when necessary, to attend the regular and special meetings of the common council, to vote upon all motions, to act upon committees when thereunto appointed by the president and to assist the president in maintaining the peace and good order, and in advancing the prosperity of the village.

Not to hold other office. SEC. 24. No member of the common council shall, during the period for which he was elected, be competent to hold any other office which entitles the holder to receive pay from said village, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expenses or consideration whereof are to be paid by said village, or become security for the performance of any official act or duty to be done or performed by any person, or by any person elected or appointed to any office under the provisions of this act.

Duty of clerk. SEC. 25. The village clerk shall safely keep the corporate seal and all the books, papers and files belonging to said common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal of the village, shall be evidence in all places of the matters therein contained, and he shall keep an accurate account, in books provided for such purpose, under appropriate heads, of all expenditures and of all orders drawn upon the village treasury, which account shall specify the purpose for which orders were drawn.

Duty of treasurer. SEC. 26. The village treasurer shall have the custody of all moneys belonging to said village, and shall keep an account of all receipts and disbursements thereof, and from whom received and to whom paid, and shall pay no moneys out of the treasury except upon warrants signed by the clerk and countersigned by the president, and he shall exhibit to the common council as often and for such periods as they may require, a full and detailed account of all receipts and expenditures, and

shall also, when so required, exhibit a general statement, showing the financial condition of the treasury and all other matters relating to his office.

SEC. 27. The village marshal shall be the chief of the police of the village, and he shall see that the laws are enforced; it shall be his duty to collect village taxes, to serve all processes that may be lawfully delivered to him for service, and he is hereby vested with all the powers and duties conferred by laws on constables elected in townships; he shall have power and authority and it shall be his duty with or without process, to apprehend any person found disturbing the peace, or offending against any of the provisions of this act, or the by-laws and ordinances of the village, and to take such person before any justice of the peace of the town of Blissfield, to be dealt with as the laws and ordinances of said village shall provide, and may apprehend and imprison any person found drunk in the streets of said village, until such person shall become sober; and he shall have power to enter into any disorderly or gaming house or dwelling-house, or any other building where he may have good reason to believe a felon is secreted or harbored, or where any person is who has committed a breach of the peace, or where any felony or breach of the peace is being committed, and is authorized to command the assistance, in the discharge of such duties, of any of the citizens of said village, if deemed by him necessary: *Provided*, That nothing in this act shall be construed into his serving processes issued by justices of the peace in civil cases.

Chief of police,
duty of.

Proviso.

SEC. 28. The president and trustees, when assembled and duly organized, shall constitute the common council of the village of Blissfield, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time; but no tax or assessment shall be ordered, nor any appointment of any person to any office be made, nor shall any person be removed from office, except by a vote of two-thirds of the [members] member of the common council.

Common
council.

SEC. 29. The common council shall meet at such times and places as it shall determine, and at such other times and places as the president, or in case of his absence, the president *pro tempore* shall appoint; the common council shall have power to impose, levy and collect such fines as it may deem proper for the non-attendance of the officers and members thereof at its meetings, and also require the attendance of any of the officers of said village, at any of its meetings, and to impose fines for non-attendance. The common council shall at its first meeting after each annual election, appoint one of the trustees to be president *pro tempore* of the common council, and if at any meeting of the common council, neither the president nor the president *pro tempore* shall be present, the common council may appoint one of their number to preside.

Meetings of
council.

President
pro tem.

SEC. 30. In the proceedings of the common council each member present shall have one vote and when there shall be a

In case of a tie
vote.

tie, the president shall give the casting vote; whenever required by two members, the votes of all the members of the common council in relation to any act, proceeding or proposition had at any meeting, shall be entered at large in the minutes; and such vote shall be so entered in relation to the adoption of any resolution or ordinance, report of a committee or other act, for taxing or assessing any property in said village or the citizens of said village. And all proceedings of the common council shall be published as soon as may be, in at least one newspaper printed and published in said village, if the council and the proprietor of such newspaper can agree as to the price to be paid therefor.

Proceedings to
be published.

Powers of
council.

SEC. 31. The common council shall prescribe the rules for its proceedings. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management, control and supervision of the highways, streets, bridges, except the river bridges, lanes, alleys, parks and public ground in said village; of the finances, rights and interests, buildings and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power within said village to enact, ordain, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable and proper within said village, in relation to and for the following purposes:

Vice and im-
morality.

First, To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages, to restrain, apprehend and punish vagrants, mendicants, drunkards and all disorderly persons, to punish lewd and lascivious behavior in the streets or other public places, and to punish prostitutes who are found in said village;

Disorderly and
gambling
houses.

Second, To suppress and restrain all disorderly houses and houses of ill-fame, all gambling houses and all houses and places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof; to prevent every species of gaming, and to restrain, regulate, license and suppress billiard tables and bowling alleys;

Liquors.

Third, To prevent the selling or giving away of any spirituous or fermented liquors to any drunkard, minor, or apprentice;

Auctions.

Fourth, To prohibit and regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law;

Licenses.

Fifth, To license and regulate auctioneers, peddlers and pawnbrokers, and auctions and hawking and peddling; and to license and regulate the peddling and sale of jewelry, goods, merchandise and other property, by hand, hand-cart, show-case, show stand or otherwise, in the public streets;

Sports,
exhibitions,
etc.

Sixth, To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of ani-

mals, theatrical exhibitions, shows, concerts, circuses or other performances and exhibitions for money;

Seventh, To prevent the violation of the Sabbath, and to require all saloons, drinking houses, shops and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; Violation of the Sabbath.

Eighth, To prohibit, prevent, abate and remove all nuisances in said village, and punish the persons occasioning the same, and to declare what shall be considered a nuisance, and direct and authorize their speedy or immediate abatement or removal by the marshal of the village, at the expense of the persons creating or continuing the same; Nuisances.

Ninth, To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, yard, hog-pen, manure pile, sewer or other offensive, nauseous or unwholesome place, house or thing to cleanse, remove or abate the same, whenever the common council shall deem it necessary for the health, comfort or convenience of the inhabitants of said village; Offensive or unwholesome places or houses.

Tenth, To direct the location of all slaughter-houses in said village and to prohibit their location within said village;

Eleventh, To regulate, restrain and prohibit the location of shops and the carrying on of mechanical and other trades and vocations, which the common council may deem unsightly, dangerous or injurious in such places and parts of said village as the common council may designate; Dangerous vocations.

Twelfth, To regulate the buying, selling and using of gun-powder, fire-crackers, and fire-works and other combustible materials; to regulate and prohibit the exhibition of fire-works and the discharge of fire-crackers and fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in said village; Explosive and combustible substances.

Thirteenth, To prevent the incumbering or obstructing of streets, sidewalks, cross-walks, lanes, alleys, gutters, sewers, water-courses, bridges and public grounds, in any manner whatever, and to compel the occupants of lots to clear the sidewalks in front of and adjacent thereto of snow, ice, dirt and every incumbrance and obstruction; Incumbrance of streets, etc.

Fourteenth, To regulate and require the setting of shade trees in the streets of said village, to authorize, prohibit and regulate the setting of hitching posts in the streets, lanes and alleys of said village, and to cause the same to be taken up and removed; to authorize, prohibit and regulate the building and placing of awnings, sign boards and other things, the whole or any part of which occupy or project within the limits of any street, lane or alley of said village, and to prescribe in what manner and of what material the same shall be constructed, and to compel the removal of the same; Shade trees, etc.

Fifteenth, To provide against horse-racing and immoderate riding or driving in any street or over any bridge, and to punish for the same, and authorize the arrest and detention of any person who shall be guilty of immoderate riding or driving; Road driving, etc.

Speed of locomotives.	<i>Sixteenth</i> , To regulate the speed of locomotives, engines and cars upon the railroads within said village;
Bathing.	<i>Seventeenth</i> , To regulate and prohibit bathing in the public waters within said village;
Pounds.	<i>Eighteenth</i> , To establish one or more pounds and regulate and restrain the running at large of cattle, swine, horses, mules, sheep and other animals, and of geese and other poultry, in the streets and public places in said village, and to authorize the taking up, impounding and sale of the same for the penalty incurred and the costs of keeping and impounding, and to punish for rescuing the same before all costs and charges are paid;
Ringling of bells.	<i>Nineteenth</i> , To regulate the ringing of bells and the crying of goods, and to prevent disturbing noises and obscene and profane language in the streets;
Lighting streets.	<i>Twentieth</i> , To provide for the lighting of the streets and alleys and the protection of the public lamps;
Dogs.	<i>Twenty-first</i> , To impose taxes on the owners or keepers of dogs and to prohibit the running at large of dogs, to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance of said village;
Burial places, etc.	<i>Twenty-second</i> , To provide burial places and to regulate and prohibit the burial of the dead within said village, and to protect and preserve the monuments, tombstones, trees, shrubbery, property, ornaments, improvements, grounds and fences in and around any cemetery in said village;
Street line.	<i>Twenty-third</i> , To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said village, and to compel such buildings to be erected upon such line by fine upon the owner thereof not exceeding five hundred dollars for each offense;
Markets, etc.	<i>Twenty-fourth</i> , To establish, order and regulate markets; to regulate the vending of meats, vegetables, fruits, fish and provisions of all kinds; to regulate the sale of hay, wood, lime, lumber and coal, and to designate the stand or stands for wood, hay and produce exposed for sale in said village, and to require the weighing of hay and the measuring of fire-wood;
License drays, etc.	<i>Twenty-fifth</i> , To license all drays and omnibuses, hacks and other vehicles used for the transportation of persons and property for hire, and to prohibit their use without license, and to designate the stands for such vehicles, and to prescribe rates of fare and charges for the same;
License taverns, etc.	<i>Twenty-sixth</i> , To license persons to engage in and exercise the business or occupation of tavern keeper, innkeeper, common victualer and saloon keeper, and to impose such fees for such license as the common council may see fit, and to impose such penalties upon all persons engaging in any such occupation or business without such license;
Weights and measures.	<i>Twenty-seventh</i> , To appoint a sealer of weights and measures;
Fire limits.	<i>Twenty-eighth</i> , To establish fire districts, within which no wooden buildings shall be moved, built, repaired, enlarged or placed, or allowed to stand or remain;

Twenty-ninth, To regulate and prescribe the manner of constructing party walls, chimneys and fire-places, the putting up of stoves, stove pipes, and other things that may be deemed dangerous, in causing or promoting fires, and to make all such ordinances, by-laws and regulations, as the common council shall deem necessary, to secure the buildings and property in said village against injuries by fire, and for the prevention and suppression of fires; and for the purpose of enforcing such ordinances, by-laws and regulations the common council may authorize and direct any of the officers of said village to enter into and examine, at all reasonable times, all dwelling-houses, buildings and tenements of every description, and all lots, yards and inclosures, to inspect all hearths, stoves, fire-places, stove pipes, flues, chimneys or other conductors of smoke, and any apparatus or device in which fire may be used, or to which fire may be applied, and to remove and make the same safe at the expense of the owner or the occupants of the buildings in which the same may be; and every building or structure that shall be constructed, moved, repaired, enlarged, used, maintained, occupied or allowed to stand, or remain in violation of, or contrary to any ordinance of said village, is hereby declared to be a common nuisance, and may be abated, taken down and removed, by direction of the common council, at the expense of the owner or occupant, or persons who caused such nuisance; Fire walls, etc.

Thirtieth, To prohibit the maintaining of lumber yards, keeping, piling and storing of fire-wood, timber, lumber or other easily combustible material, within the limits of any fire district; Lumber yards, etc.

Thirty-first, To construct reservoirs wherever needed and to provide for supplying the same with water; to build bridges, to construct sewers, drains and culverts; to provide wells, to grade, gravel, pave, repair, amend and otherwise improve the streets, lanes, alleys and public grounds and parks in said village; to construct, repair and renew sidewalks; to remove all encroachments from any street, lane, alley, public ground, or place in said village; to fill up, drain, cleanse, and regulate any grounds, yards, basins, cellars or vaults within said village that may be sunken, damp, foul, incumbered with rubbish or unwholesome, and to make such other public improvements as may conduce to the general good and prosperity of said village, or any part thereof; and generally to make all other ordinances and regulations that the common council may deem necessary to the safety, order and good government of said village. Reservoirs, etc.

SEC. 32. The common council shall have the power to establish, maintain and regulate all such fire-engine, hook and ladder, hose and bucket companies as may be deemed expedient, and shall provide such companies with fire-engines and other implements and instruments necessary to be used in extinguishing fires, and may appoint from among the inhabitants of said village, such men, willing to accept, as may be deemed proper and necessary, to be employed as firemen; and every such company shall make their own by-laws and rules for the organiza- Fire companies, etc.

- tion and government of the company, subject to the approval of the common council, and may enforce and collect such fines for [the] non-attendance or neglect of duty of any of its members as may be provided by the by-laws and rules of the company; and it shall be the duty of every such company to keep the fire-engine, hose, hooks and ladders and other instruments and implements in its charge in good and perfect repair; and it shall be the duty of each fire company to assemble at least once in each month, and as often as may be directed by the chief engineer, for the purpose of working and examining the fire-engine and other implements in its charge, with a view to the keeping of the same in perfect order and repair; and upon any alarm or breaking out of any fire in said village, each fire company shall forthwith assemble at the place of such fire with the engine and other implements of the company and be subject to the orders of the chief engineer, or other person, for the time being, lawfully acting as chief engineer of the fire department.
- Fire company to meet monthly.** SEC. 33. The firemen of said village shall annually elect one of their number to be chief engineer, who shall have command of the whole fire department of the village, and also two assistant engineers, either of whom may act as chief engineer in case of the absence or disability of the chief.
- Chief engineer.** SEC. 34. The marshal and any member of the common council may require the assistance of all bystanders in extinguishing any fire in said village, and in the removal, preservation and protection of any property endangered thereby; and in case any bystander shall willfully neglect to comply with such requirements, he shall be punished as provided by the by-laws or ordinances of said village; and the common council is hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.
- Compel assistance at fires.** SEC. 35. Every person belonging to an organized fire company in said village, may obtain from the village clerk a certificate to that effect, which shall be evidence thereof; and the members of every such company, during their continuance as such, shall be exempt from serving on juries and from paying a poll-tax in said village.
- Firemen exempt from jury duty and poll tax.** SEC. 36. The common council shall have power and authority to lay out, establish, open, extend, widen, straighten, alter, close and vacate and improve such streets, highways, alleys, lanes, water-courses, squares, market places and public parks, in said village as they shall deem necessary for the public good and convenience, and if in the doing thereof the property or lands of any person shall be required for such purpose, the common council shall so declare by resolution, stating therein a description of the lands, premises or property required, and the purpose for which the same are to be used, and that the common council will meet, on some day to be named in the resolution, to take action in regard to the matter, and notice of such meeting shall be given to the owners or parties interested, or his, or her, or their agents or representatives, by personal service of a copy of such resolution, or by publication of a copy
- Authority to lay out streets, etc.**
- May take private property for public use.**

of such resolution in one of the newspapers published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises for the same, and to pay therefor such reasonable sum as may be agreed upon; but if such person or persons shall refuse to negotiate for such lands or premises, or if for any other cause there shall not be an agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village clerk to issue a precept under his hand, in the nature of a *venire facias*, directed to the marshal of said village, or any constable of the county of Lenawee, commanding him to summon a jury of twelve disinterested freeholders of said village, to appear before any justice of the peace of the township of Blissfield, in said village, at a time therein to be stated, to inquire into and assess the damage and recompense due to the owner or owners thereof, or parties interested in such grounds, premises or property, which jury being duly sworn by said justice faithfully and impartially to inquire into and assess the damage in question, and having viewed the premises, if necessary, shall inquire into and assess such damages and recompense as they shall deem fit to be awarded to the owner or owners of, or parties interested in, such grounds, premises or property for their respective damage or losses, according to their several interests and estates therein; and the said justice shall, upon the return of such assessment, enter judgment confirming the same, and the sum or sums so assessed together with his or her costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein to be paid into the village treasury for the use of such party, [persons] person or claimant, before such street, highway, alley, lane, water-course, square, market place or public park, shall be made, opened, established or altered; but if the jury find that the claimant is not entitled to any damages then it shall be competent for the justice to render judgment against such claimant for all costs and issue execution therefor; and in either case, it shall thereupon be lawful for the common council to cause the same grounds, premises or property to be immediately converted to and for the uses and purposes aforesaid: *Provided*, The party claiming damages may have the right to remove such proceedings by appeal to the circuit court for the county of Lenawee, upon giving notice of his or their intention so to do to the said justice, in writing, within ten days, or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury and the judgment of the said justice therein as aforesaid, such appellant first giving bond with two sufficient sureties, to be approved by said justice conditioned to pay all costs that may be awarded against him in said circuit court; but no appeal, *supersedeas*, injunction or

Council to negotiate with owners of property.

When jury may be summoned.

Jury may view premises and assess damages.

Justice to enter judgment confirming assessment.

Proviso as to appeal to circuit court.

any other process or proceeding from any court whatever shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening or extending such street, lane, alley, square, water-course, market place or public park as aforesaid, and upon filing in said circuit court the said bond, and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendering of said judgment, the same proceedings shall be had in the circuit court as is prescribed by law in case of appeals from justices' courts:

Further proviso.

Provided further, That if the damages awarded on such appeal shall not exceed the damages assessed by said jury and confirmed by the judgment of said justice, the party appealing shall pay all costs occasioned by such appeal.

Survey of streets, etc., to be recorded.

SEC. 37. The common council is authorized to cause such of the streets, highways, alleys, and lanes, in said village, as shall have been used for six years or more prior to the passage of this act, as public highways, streets, lanes or alleys which have not been sufficiently described, or have not been duly recorded, to be surveyed, the grade thereof established, described and recorded in the office of the village clerk, in a book to be denominated the book of "street records," and the common council shall cause a survey or description and plat of every public ground, highway, park, street, lane, alley or part thereof which shall hereafter be opened, established, altered, widened, straightened or the grade thereof established, to be recorded in said book of "street records;" and such record shall be presumptive evidence of the existence of such public ground, park, highway, street, lane, alley or of that part thereof therein described, and of the boundaries and grade thereof; and a copy of any ordinance or resolution of the common council, vacating or closing any public ground, park, highway, street, lane or alley, or any part thereof, shall also be recorded in said book of "street records," and the same shall be evidence as aforesaid.

Authority to levy special taxes, etc.

SEC. 38. The common council shall have power to assess and levy, at any time, by a special tax, the expenses of making, grading, paving, opening and repairing streets, lanes and alleys, and of putting curbstones and culverts therein; of grading, paving or planking, and repairing sidewalks, of draining low lands, or making drains and sewers, and other local improvements upon the lots, premises and subdivisions thereof, which are in front of or adjoining to such streets, sidewalks, drains, sewers and other improvements, and upon other lots and premises, which in the opinion of the common council are benefited thereby; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, which shall be exclusive of, and in addition to any general tax, and shall be and remain a lien upon the land until paid, and if not paid, the land may be sold therefor, in the same manner as for ordinary village taxes.

Owners, etc., to construct street improvements, etc.

SEC. 39. Whenever the common council deem it expedient, they may, by ordinance, resolution or otherwise, require the owners and occupants, or either, of land in said village, or any

specified part thereof, to construct, repair, maintain and reconstruct sidewalks, pavements and other street improvements, in any street, lane or alley, adjoining their respective lots or premises, to the middle of such street, lane or alley, in such manner and with such materials as the common council, by ordinance, resolution or otherwise, may direct; but with reference to paving, this shall apply only to streets that are graded, and when enforced for the purposes of paving any such streets, outside of the sidewalks on said streets, the paving may be done at the public expense, or if assessed upon the property adjoining that portion of said streets ordered to be paved, said property so assessed for paving may be exempted from further taxes thereafter, for highway purposes, in the discretion of the common council; and if the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises, or otherwise given, served or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect to construct, repair, maintain and reconstruct any sidewalk, or pavement, or other street improvement, or to plank any street, or to clear away any snow, ice, or other obstruction from any sidewalk adjoining to such lot or premises, within such time, and in such manner, and with such materials as the common council may prescribe or require, by ordinance, resolution or otherwise, the common council may cause the same to be done at the expense of the village, and such expense may be deemed to be a special assessment upon such lot or premises, and the common council may add the same to the general village tax, on such lot or premises, in the tax roll next after to be made; and the amount so added shall be a lien upon the premises, in the same manner as the tax to which it is added, and may be collected and enforced, and if not paid, the land may be sold therefor, in the same manner as for ordinary village taxes.

In case of neglect or refusal, etc.

SEC. 40. The common council shall have power and authority to raise annually, by general tax upon the real and personal property in said village liable to taxation, such sums as they may deem necessary to defray the expenses and liabilities incurred by said village, and to carry into effect the powers hereby conferred on them; and they shall, on or before the first day of April, in each year, determine by resolution the amount of taxes necessary to be levied for said purposes during the year: *Provided*, That the taxes so determined to be levied, shall not exceed in any one year, the sum of two thousand dollars, unless the qualified electors of said village shall determine at the annual village election to increase that amount by a majority vote of all the qualified electors, which amount so determined to be levied shall be exclusive of, and in addition to, any taxes which may be levied by virtue of any provisions of this act, as a special assessment for public or local improvements; and every tax lawfully imposed by the common council upon any lands, tenements and hereditaments in said village, shall be and remain a lien upon such lands, tenements and hereditaments, until the same shall be paid.

Authority to levy taxes.

Proviso as to limit of tax.

Taxes a lien.

Poll tax.

SEC. 41. The common council shall have power to assess and collect from every male inhabitant of said village, being over the age of twenty-one, and under fifty years, except paupers, idiots, lunatics and other persons who are by law exempt, an annual capitation or poll-tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same.

Assessor to make roll, etc.

SEC. 42. The assessor of said village shall once in each year, between the second Monday of April and the first Monday of May, make an assessment roll, containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the name of all persons liable to pay a capitation or poll-tax, as provided for in this act; and shall estimate and set down in such roll, the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when said roll shall be

Notice of review.

so made and completed, the assessor shall immediately give notice thereof, by publishing the same in some newspaper printed and published in said village, or by conspicuously posting the same in three public places in said village, for ten days next previous to the time for review therein stated; and such notice shall give the time when, and the place where he will be and have said roll for inspection and review; at the time and place so appointed, the assessor, on the application of any person interested, may reduce the said valuation, on sufficient cause being shown on oath, to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer. If any person or persons shall feel aggrieved by the final decision of the assessor, such person or persons shall have the right of appealing from such decision, at any time within ten days thereafter, to the common council, who are in like manner hereby authorized to reduce such valuation; and the common council may at any time before the tax is collected upon such assessment roll, correct any description of real estate which they may find erroneously described in said roll. The assessor shall complete and deliver said assessment roll to the village treasurer on or before the first day of June in each year.

Aggrieved persons may appeal to council.

When assessor to deliver roll to treasurer.

Common council to estimate tax, etc.

SEC. 43. It shall be the duty of the common council, once in each year, and immediately after the assessor shall have delivered said assessment roll to the treasurer, as provided in section forty-two, to estimate and cause to be set down, in a column opposite to the several sums set down as the value of real and personal estate, the respective sums, in dollars and cents, to be paid as a general tax or assessment thereon; and the tax upon the real estate shall be set down in a column by itself. Any special tax or assessment for public or local improvements, authorized by any provisions of this act, may be included in said assessment roll, and shall be set down in a column by itself, apposite the proper description. Any poll-tax, or tax upon the owners or keepers of dogs, authorized by this act, may be included in said assessment roll, and the last column shall contain the total amount of taxes. The common council

What taxes to be included in roll.

shall cause a copy of said roll, when completed as aforesaid, to be made, and shall annex to such copy, a warrant, under the hands of the president and clerk, commanding the marshal to collect, from the several persons named in said roll, the several sums mentioned in the last column thereof, opposite their respective names, on or before the day specified in such warrant, and directing him to pay such money, when collected, to the treasurer of said village, by a certain day therein named, not less than forty days from the date of said warrant, and said warrant may be renewed from time to time as the common council may deem best.

Warrant of council to be attached to copy of roll.
Marshal to collect taxes.

Renewal of warrant.

SEC. 44. The marshal, upon receiving the said copy of tax roll, shall call upon each person taxed, if a resident of said village, at least once, and demand payment of the taxes charged to him upon said tax roll; and in case of a refusal or neglect to pay such taxes, the marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of the person who ought to pay the same, wherever found within said village, together with the costs and charges of such distress and sale, and may take any property that can be taken by township treasurers in the collection of taxes; and he shall give the same notice and sell in the same manner as the township treasurers are required to do, and return any surplus to the owner of the property, in accordance with the existing statutes of this State.

Duty of marshal on receiving roll.

Distress and sale of property.

SEC. 45. At the expiration of the time mentioned in the warrant annexed to said copy of tax roll, and the time for which said warrant may be renewed, if any of the taxes mentioned in said roll shall remain unpaid, and the marshal shall be unable to collect the same, he shall make in said roll, or permanently attach thereto, a statement in writing, under oath, of all taxes so remaining unpaid; and if the same or any part thereof are assessed upon real estate, such statement shall contain a description of each parcel of land, upon which the taxes so assessed have not been paid, and further, that he has not been able to collect the same, nor upon diligent inquiry, to discover any goods or chattels, subject to levy, belonging to the persons charged with or liable to pay such tax, and shall deliver such statement and copy of tax roll to the clerk of said village, within five days thereafter.

Marshal to make statement of unpaid taxes to clerk.

SEC. 46. The clerk after such statement and copy of roll shall have been delivered to him shall, under the direction of the common council, and in pursuance of any ordinance or resolution of the common council, proceed to sell at public auction, at some public place in said village, so much of said lands returned in said statement on account of non-payment of the taxes thereon, as shall be necessary to pay the amount of taxes, together with such amount as shall be directed by the common council, to cover expenses of such sale, first giving at least thirty days' notice of the time and place of sale, by advertisement posted up in three of the most public places in said village, which advertisement shall contain a descrip-

Sale of lands for taxes, etc.

Notice of sale.

tion of the land, and the name of the owner, if known, and the amount of taxes and expenses for the non-payment of which it is to be sold, and by causing the same to be inserted in a newspaper, if there be one printed and published in said village, once in each week for four successive weeks, preceding said sale. On the day mentioned in said notice, the clerk shall commence the sale of said lands, and continue until so much shall be sold as will pay the said taxes and expenses; and the clerk of such sale shall give to the purchaser or purchasers of any such lands, a certificate in writing, describing the lands purchased, and the sums paid therefor, and the time when the purchaser thereof will be entitled to a deed for the same:

Provido.

Provided, That if any parcel of land cannot be sold to any person for the said taxes and expenses, the clerk shall bid off the same to the common council of said village, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser therefor; upon the completion of said sale, the clerk shall deliver to the treasurer of said village a certified statement thereof, containing a description of the land sold, the date of the sale, the particular tax and amount for which the same was sold, and the name or names of the purchaser or purchasers, which statement shall be preserved and transcribed by said treasurer, in a book to be provided and kept by him for that purpose; and all moneys received upon such sales he shall at the same time deliver to said treasurer.

Redemption.

SEC. 47. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time within one year, next succeeding the day of sale, redeem any such land or interest therein, by paying to the treasurer of said village the amount for which the same was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon, at the rate of twenty per cent per annum, from the date of sale, for the use of the purchaser; but in no case shall the interest be computed for a less time than three months; whereupon the treasurer shall make and deliver to the person making such payment a certificate of [the] redemption thereof.

Clerk to make conveyance of lands to purchasers, etc.

SEC. 48. Upon the presentation of any such certificate of sale to the clerk of said village, after the expiration of the time for the redemption of the lands sold as aforesaid, he shall, unless such lands have been redeemed as aforesaid, or the certificate of sale canceled as hereinafter provided, execute to the purchaser or purchasers, his, her, or their heirs, assigns, executors, or administrators, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be made an absolute estate in fee simple, subject to all the claims the State may have therein; and the said conveyance shall be *prima facie* evidence that all the proceedings were regular, according to the provisions of this act, from the valuation of the same by the assessor to the date of the deed inclusive; and every such conveyance executed by

the clerk, under his hand and seal, witnessed, acknowledged and [recorded] recording in the usual form, may be given in evidence in all the courts in this State, in the same manner and with like effect as any other conveyance of real estate, or any interest therein; and the common council may upon satisfactory evidence upon oath, of the payment of any tax upon real estate and that the same has been returned wrongfully for non-payment, by mistake or otherwise, cancel the certificate of sale at any time before conveyance is made, and return the purchase money.

SEC. 49. Any of the justices of the peace of the township of Blissfield, are hereby authorized and empowered to inquire of, hear, try and determine, in a summary manner, all offenses which shall be committed against any of the by-laws and ordinances that shall be made or adopted by the common council, in pursuance of the powers granted by this act, and to punish the offenders as by said laws or ordinances shall be prescribed or directed; and such justices shall have power to hear, try and determine all charges, complaints, actions and prosecutions for the recovery or enforcing of any and all fines, penalties or forfeitures, for alleged violations or infringement of the said by-laws and ordinances or of any of the provisions of this act, except in cases where jurisdiction belongs to some other court. The proceedings in all such actions and prosecutions shall be according to and governed by the general laws and rules of practice in this State, applicable to courts of justices of the peace.

Justices of township have authority to try offenses against ordinances, etc.

SEC. 50. In all trials before any justice of the peace, under the provisions of this act, of any person charged with any offense or violation of any by-law or ordinance of said village, he shall be entitled to a trial by a jury of six persons; and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in criminal cases before justices of the peace; and in all cases the right of appeal and *certiorari* from the justice's court to the circuit court, for the county of Lenawee, shall be allowed to the parties on the same terms, and the same bond shall be given as is or may be required by law in cases of *certiorari*, or appeals from justice's court in other cases.

Trial by jury, etc.

Right of appeal.

SEC. 51. Whenever a conviction is had or a judgment rendered for any fine, penalty or forfeitures for a violation of this act, or of any by-law or ordinance of said village, it shall be with costs of suit, and execution therefor may be issued immediately on the rendition of judgment, and shall command the amount to be made of the property of the defendant, if any such can be found, and if not, then to commit the defendant to prison, if it be so adjudged and according to law; and in cases where both fine and imprisonment are imposed upon the person so convicted by the judgment of any such justice, he shall issue the necessary process to carry such judgment into effect.

Fines, penalties, how collected.

SEC. 52. The common council shall have power to impose fines, penalties and forfeitures, not exceeding one hundred

Limit of fines, etc.

Village to have
use of county
jail.

dollars, unless a greater amount is herein authorized, and imprisonment not exceeding ninety days, or both, in the discretion of the court, on all persons offending against or violating any of the provisions of this act, or any by-law or ordinance of said village made in pursuance thereof; and the several justices of the peace of said township of Blissfield, shall have power, in all cases, whereby the provisions of this act, or of any by-law or ordinance made in pursuance thereof, any person may be sentenced to imprisonment, to imprison in the jail of the county of Lenawee; and it is hereby made the duty of the keeper of said county jail to receive such persons; and in all cases where the term of such imprisonment shall exceed sixty days, such person may be sentenced to confinement in the Detroit House of Correction, provided the county of Lenawee has a contract with said House of Correction for that purpose.

Village prison.

SEC. 53. The common council shall have power to erect and maintain in said village a village prison, and any person convicted of a violation of this act or of any by-law or ordinance made by the common council of said village, may be sentenced to imprisonment therein, not to exceed thirty days, and any person arrested for violation of this act, or of any by-law or ordinance of said village, or any law of the State, may be imprisoned in said village prison during the time that shall elapse between the time of arrest and the time of trial or examination; and the common council shall have power to make all necessary rules and regulations for the government of said prison, and to appoint a keeper thereof.

Council to enact
ordinances, etc.

SEC. 54. Whenever, by the provisions of this act, any power or authority is given, or duty imposed upon the common council, the common council may enact such ordinances and establish such rules and regulations as may be necessary to carry into effect such powers and authority and to regulate the performance of such duty.

Suits to be
brought in the
name of the
people, etc.

SEC. 55. All suits and prosecutions for the violation of the provisions of this act, or of any ordinance or by-law made in pursuance of such provisions, or to recover any fine, penalty or forfeiture for such violation, shall be brought in the name of "the people of the State of Michigan," and in any suit or prosecution, it shall not be necessary to set forth in the complaint or warrant the ordinance or by-law, or any section thereof, the provisions of which are alleged to have been violated, except by its title, but it shall be sufficient to state in the complaint and warrant, with reasonable certainty of time and place, the act, violation or offense complained of, and to allege the same to have been committed in violation of the provisions of an ordinance or by-law, as the case may be, of the village of Blissfield, referring thereto by its title; and all process issued by any justice of the peace in any such suit or proceeding, shall be directed "to the marshal of the village of Blissfield, or to any constable of the county of Lenawee," and the same may be executed within the said county of Lenawee.

Process to be
directed to
marshal.

Style of
ordinances.

SEC. 56. The style of all ordinances shall be, "the common council of the village of Blissfield ordain." The time when any

by-law or ordinance passed by the common council shall take effect, shall be prescribed therein: *Provided*, That no by-law or ordinance shall be operative until the same shall have been published two weeks successively, in a newspaper printed and published in said village, or by written or printed notices, posted up in three of the most public places in said village; and like notice shall be given of the repeal or amendment of any ordinance or by-law: *Provided also*, That no by-law or ordinance of said village shall be in its provisions repugnant to the constitution or the laws of the United States, or of this State.

Provide as to publication of ordinances.

Further proviso.

SEC. 57. All fines, penalties and forfeitures recovered for any violation of the provisions of this act, or the by-laws or ordinances made in pursuance thereof, and all money received for licenses or from other sources belonging to said village, shall be paid to the treasurer of said village by the officer receiving the same, immediately after the receipt thereof, and shall be disposed of as the common council may direct; and any person who shall refuse or neglect to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Fines, etc., to be paid to the treasurer, etc.

SEC. 58. In suits or proceedings in which the common council of the village of Blissfield shall be a party, or shall be interested, no inhabitant of said village shall be incompetent to serve as a juror on account of his interest in the event of such action or suit: *Provided*, His interest be such only as he has in common with the inhabitants of said village.

Competency of jurors.

Proviso.

SEC. 59. The common council shall, in the month of February, in each year, cause to be made and published, a just and true statement of all moneys received and expended by them in their corporate capacity during the preceding year, previous to which they shall audit and settle the accounts of the treasurer, marshal, and all other officers and persons having claims against said village, or accounts with it not previously audited, and shall make it out in detail, a statement of all receipts and expenditures, which statement shall specify all the appropriations made by the common council, and the object and purpose for which the same were made, the amount of money expended under such appropriation, the amount of taxes raised, the amount of money expended on streets, the amount of money borrowed, if any, for what purpose, and upon what terms, and all such information as shall be necessary to a full and perfect understanding of all the financial concerns of the village; and such statement shall be placed on file in the clerk's office, and subject to inspection at any and all times by the citizens of said village.

Annual statement of receipts and expenditures, etc.

SEC. 60. Before any account or demand of any person against said village shall be audited, allowed or paid, the same shall be verified by affidavit, and shall set forth the items

Accounts to be verified, etc.

thereof, and the amount of each item, with the proper dates, in detail, which affidavit may be taken and certified by any member of the common council, or by any person authorized to administer oaths.

May borrow money.

SEC. 61. The common council of said village may borrow, for the time being, in anticipation of receipts from general village taxes, such sum as it may deem necessary, not exceeding twenty-five hundred dollars, for the general purposes of said village.

May borrow money for fire-engine, etc.

SEC. 62. The common council of said village may borrow, for the time being, in anticipation of receipts from taxes, such sum as may be deemed necessary for the purpose of purchasing a suitable fire-engine for said village, and implements and instruments necessary to be used therewith in extinguishing fires, and may issue the bonds of the village therefor: *Provided*, That the common council shall not borrow to exceed five thousand dollars for the purpose of buying a fire-engine and other necessary fire apparatus, unless authorized to borrow a greater amount by a majority vote of the qualified electors of [the] said village, at their annual village election, which vote may be taken *viva voce*, or otherwise, as the council shall determine and direct: *And provided further*, That no greater amount than one thousand dollars of the principal thereof, exclusive of interest, shall be made to become due in any one year.

Proviso as to limit of loan.

Further proviso.

Present officers to hold until end of term.

SEC. 63. All persons heretofore elected or appointed to office in said village, and now holding such offices, shall continue to hold their respective offices for the remainder of the terms for which they were elected or appointed.

Present ordinances, etc., to remain in force.

SEC. 64. All ordinances, by-laws, rules, regulations and resolutions heretofore passed by the common council of the village of Blissfield, and now in force, shall, except so far as they are inconsistent with the provisions of this act, continue in force until repealed, modified or amended; and the passage of this act shall not invalidate any act already done, right accrued or acquired, proceeding had, or tax sale made under and by virtue of any law of this State in relation to the village of Blissfield, or of any ordinance, by-law, regulation or resolution passed or adopted by the common council of said village, but the same shall be and remain as valid, for all purposes, as if this act had not been passed; and all proceedings heretofore commenced under and by virtue of any ordinance or by-law of said village, and now pending or not yet completed, shall remain valid and be completed in the same manner and with the same effect as if this act had not been passed.

Not to be relieved from township tax.

SEC. 65. Nothing in this act contained shall be construed to relieve the citizens of said village from any township tax, nor shall said act be construed to impose any responsibility on said incorporation to keep in repair or rebuild the river bridge in said corporation limits further than their proportion of the township tax for that purpose, nor shall said corporation be liable in damages for any accident or injury that persons may

sustain by reason of a defective or unsafe bridge over said river.

SEC. 66. All acts or parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 341.]

AN ACT to vacate the township of Copper Harbor, in the county of Keweenaw, and to incorporate its territory within the township of Grant, in said county.

SECTION 1. *The People of the State of Michigan enact,* That the township of Copper Harbor, in the county of Keweenaw, be and the same is hereby vacated, and the organization thereof dissolved and repealed, and the territory included in said township of Copper Harbor be and the same is hereby attached to and incorporated within the township of Grant, in said county of Keweenaw, and shall form a part of said township of Grant. Township vacated. Attached to township of Grant.

SEC. 2. Said township of Grant is hereby made the legal successor of said township of Copper Harbor hereby vacated, and as such successor shall succeed to all the property, real, personal and mixed, and the rights of action belonging to said township of Copper Harbor, and shall assume and pay any and all lawful debts and claims against said township, and the officers of said township of Copper Harbor shall immediately upon this act taking effect, deposit the records, books, vouchers, papers, money, and other property whatsoever, belonging to said township of Copper Harbor, with the corresponding officers of said Grant township, who are hereby declared to be the successors of the officers of the township of Copper harbor aforesaid. Legal successor, etc.

This act is ordered to take immediate effect.

Approved May 27, 1891.

[No. 342.]

AN ACT to authorize the village of Fowlerville, in the county of Livingston, State of Michigan, to raise money for the erection and maintenance of a system of water-works in said village, and to authorize the issuing of bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That for the purpose of erecting and maintaining a system of water-works in the village of Fowlerville, the common council of said village is hereby authorized to submit to the qualified Authority to submit proposition to electors.

Limit of loan.

electors of said village at any annual election in said village, or at a special election which may be called by the common council of said village for that purpose, a proposition to raise a sum of money not exceeding forty thousand dollars, by loan at a rate of interest not exceeding six per cent per annum to be voted upon by them.

Ballots and manner of conducting elections.

SEC. 2. All votes given under the provisions of this act shall be by ballot. Those voting in favor of the loan shall have written or printed on their ballots "for the loan" and those voting against the loan shall have written or printed on their ballots "against the loan," and such elections shall be conducted in the manner as prescribed by law for general village elections.

If approved council may borrow money and issue bonds.

SEC. 3. If such proposition shall be approved by a two-thirds vote of the electors voting at such election, the common council may at any time within two years thereafter borrow the sum of money so voted upon, or so much thereof as they may consider necessary, and issue the bonds of said village for the payment thereof with interest thereon. Said bonds to mature not later than twenty years after date of issue, and shall not be sold at less than par.

This act is ordered to take immediate effect.

Approved May 29, 1891.

[No. 343.]

AN ACT to provide for the appointment of city physicians of the city of Detroit, by the board of poor commissioners of said city, and to provide for the regulation of their duties.

City physicians.

SECTION 1. *The People of the State of Michigan enact,* That the board of poor commissioners of the city of Detroit shall, on the second Tuesday of June of each year, appoint three or more city physicians, whose term of office shall be one year, commencing on the first day of July following.

Qualifications.

SEC. 2. Said physicians shall be resident electors of the city of Detroit, graduates of an established medical school or college, and be of good standing in their profession, and have been in practice for at least three years.

Duties, etc.

SEC. 3. Said physicians shall perform such duties and observe such rules and regulations in the care and treatment of the sick poor of the city of Detroit as the board of poor commissioners of said city may direct and make, and shall perform such further duties and receive such compensation as the common council of said city may prescribe.

Repealing clause.

SEC. 4. All acts or parts of acts contrary to the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 29, 1891.

[No. 344.]

AN ACT to re-incorporate the village of L'Anse, in the county of Baraga, Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Territory re-incorporated.
all those tracts or parcels of land described as follows, to wit: The west half of the west half of section four and all of fractional section five in township fifty north, of range thirty-three west, in the county of Baraga and State of Michigan, be . and the same are hereby made and constituted a village corporate, and reincorporated by the name, style and title of the Name.
village of L'Anse.

SEC. 2. The said village of L'Anse, hereby reincorporated, Subject to general law.
is made subject to the provisions of act number sixty-two of the laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, as now or hereafter amended, and shall possess all the rights and powers and be subject to all the duties and liabilities prescribed in the last named act and the amendments thereto, except as otherwise in this act provided.

SEC. 3. All ordinances, resolutions and by-laws of said village of L'Anse, in force at the time this act takes effect, and that are not in conflict with the general laws relating to the incorporation of villages, herein referred to, shall be and remain in full force and effect until repealed by the common council of said village. Present ordinances to remain in force.

SEC. 4. The present officers of said village shall continue in office with the same powers and duties as are conferred by this act and the aforesaid general act number sixty-two, upon like officers, until their successors shall be elected and qualified in accordance with this act and the said general law. Present officers to continue in office, etc.

SEC. 5. The first election of officers under the provisions of this act, shall be held on the second Monday of March, eighteen hundred and ninety-two at the common council room in the said village of L'Anse. First election.

SEC. 6. Notice of the time and place of holding said election and of the officers to be elected, and the time and place of the meeting of the board of registration for said election, shall be given by the recorder of the present village at least eight days before such first election, by posting such notice in three public places in said village, and by publishing such notice at least one week before such election in a newspaper published in the said village. Notice of election and registration.

SEC. 7. The president of the present village of L'Anse and three trustees of said village, to be chosen by the common council, of such village shall constitute the board of inspectors of said first election, and the board of registration therefor. Board of inspectors, etc.
Said board of registration shall meet on the Saturday previous to said first election at the village council rooms in said village, at nine o'clock in the forenoon of said day, for the pur- Meeting of board of registration.

Powers of board of registration.	pose of completing the list of qualified electors of said village and registering the same; and shall remain in session until five o'clock in the afternoon of said day, except that they may adjourn for one hour at noon. The said board of registration shall have the same powers, and proceed in the same manner, and conform to the same rules, as near as may be, as is now provided for boards of registration in the townships of this State.
Powers of board of inspectors.	The board of inspectors of election in conducting said first election shall have the same powers, shall conform to the same rules, and shall proceed in the same manner as is provided for succeeding elections by chapter three of said general act number sixty-two of the session laws of eighteen hundred and seventy-five, and amendments thereto.
Rights, property, etc., of village.	SEC. 8. The said village as herein re-incorporated, shall possess all the rights and property, and be subject to all the liabilities and obligations of the village of L'Anse heretofore incorporated, subject to the provisions of the general act hereinbefore referred to.
Repealing clause.	SEC. 9. All other acts relating to the incorporation of the village of L'Anse are hereby repealed. This act is ordered to take immediate effect. Approved May 29, 1891.

[No. 345.]

AN ACT to amend sections two, three and five of an act entitled "An act to incorporate the public schools of the township of Hillman, in the county of Montmorency," being act number four hundred and fifty of the local acts of eighteen hundred and eighty-nine.

Sections amended.	SECTION 1. <i>The People of the State of Michigan enact,</i> That sections two, three and five of an act entitled "An act to incorporate the public schools of the township of Hillman, Montmorency county," being act number four hundred and fifty of the local acts of eighteen hundred and eighty-nine, be and the same are hereby amended so as to read as follows:
Officers of district.	SEC. 2. The officers of said district shall consist of the supervisor of the township, and four trustees, who shall constitute the board of education of said district. The term of office of said trustees shall be four years each, from the third Monday of April subsequent to their election and until their successors are elected and qualified. Said trustees shall be elected by ballot at the annual township meeting of the township of Hillman, upon the same ticket and canvassed in the same manner as township officers are required by law to be elected by ballot. Said trustees to be designated on the ballots, "for member of board of education:" <i>Provided,</i> The supervisor shall not be eligible to the office of trustee.
Trustees, when elected, etc.	
Ballots, Provision.	

SEC. 3. Within five days after such annual election, the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the eighteenth article of the constitution, before the township clerk, or some other officer authorized to administer oaths, and file the same with the township clerk, who shall record the same in the records of proceedings to be kept by said board of education: *Provided*, That in case the township clerk shall fail to give the notice in this section required, then the persons so elected may at any time, on or before the third Monday of April succeeding the annual township election at which they are elected, take and subscribe the oath of office and file the same as hereinbefore prescribed; and the term of office of the trustees of said district, other than those elected by special election, shall commence on the third Monday of April following the annual township election at which they are elected.

Clerk to notify
persons elected.

Proviso.

SEC. 5. The said trustees and the supervisor, who shall be *ex officio* president of said board of education, shall meet on the third Monday of April in each year, at the township clerk's office and elect from their own number a treasurer, who shall hold his office for one year from said third Monday of April, and until his successor is elected and qualified, and may, at any time, fill by a new election any vacancy that may occur in the office of trustee until the next annual election, and such trustee so chosen shall, within ten days thereafter, file with the clerk of said board the oath of office, as prescribed in section three of this act.

Meeting of board,
etc.

Approved June 1, 1891.

[No. 346.]

AN ACT to amend sections one and two of chapter seventeen, section four of chapter twenty, sections two and twenty-two of chapter twenty-one, sections seven, thirteen, fourteen and sixteen of chapter twenty-four and to repeal sections eight, nine and ten, of chapter twenty-four, of act number three hundred and seventy-four of the local acts of eighteen hundred and eighty-nine, entitled "An act to amend section three of chapter one, sections three and nine of chapter three, section fifteen of chapter four, sections one and nine of chapter five, sections nine and fourteen of chapter six, sections three, four and seven of chapter seven, section three of chapter thirteen, sections one, two and three of chapter seventeen, sections one, three and nine of chapter nineteen, section four of chapter twenty, sections one, three, four, five, six, seven, nine, ten, twelve, sixteen and eighteen of chapter twenty-one, sections one, two, three, five, eight, nine, ten, thirteen, nineteen and twenty of chapter twenty-three,

sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of chapter twenty-four, sections one and three of chapter twenty-five, and sections one, five, six and seven of chapter twenty-seven of act number five hundred and thirty-three of the local acts of eighteen hundred and eighty-seven, entitled 'An act to incorporate the city of Sault Ste. Marie, and to repeal an act entitled "An act to re-incorporate the village of Sault Ste. Marie," approved May twenty-nine, eighteen hundred and seventy-nine, as amended, approved June twenty-first, eighteen hundred and eighty-seven, and to add fourteen sections thereto, to stand as sections eleven, twelve, and thirteen of chapter nine, section ten of chapter thirteen, sections four, five, six, seven, eight, nine and ten of chapter seventeen, section twenty-two of chapter twenty-one, section twenty-two of chapter twenty-three, and section five of chapter twenty-five."

Chapters and
sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections one and two of chapter seventeen, section four of chapter twenty, [section] sections two and twenty-two of chapter twenty-one, sections seven, thirteen, fourteen and sixteen of chapter twenty-four, and to repeal sections eight, nine and ten of chapter twenty-four of act number three hundred and eighty-four of the local acts of eighteen hundred and eighty-nine, entitled "An act to amend sections one and two of chapter seventeen, section four of chapter twenty, sections two and twenty-two of chapter twenty-one, sections seven, thirteen, fourteen and sixteen of chapter twenty-four and to repeal sections eight, nine and ten of chapter twenty-four, of act number three hundred and seventy-four of the local acts of eighteen hundred and eighty-nine, entitled 'An act to amend section three of chapter one, sections three and nine of chapter three, section fifteen of chapter four, sections one and nine of chapter five, sections nine and fourteen of chapter six, sections three, four and seven of chapter seven, section three of chapter thirteen, sections one, two and three of chapter seventeen, section one of chapter eighteen, sections one, three and nine of chapter nineteen, section four of chapter twenty, sections two, three, four, five, six, seven, nine, ten, twelve, sixteen, seventeen and eighteen of chapter twenty-one, sections one, two, three, five, eight, nine, ten, thirteen, nineteen and twenty of chapter twenty-three, sections five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of chapter twenty-four, sections one and three of chapter twenty-five, and sections one, five, six and seven of chapter twenty-seven, of act number five hundred and thirty-three of the local acts of eighteen hundred and eighty-seven, entitled "An act to incorporate the city of Sault Ste. Marie, and to repeal an act entitled 'An act to re-incorporate the village of Sault Ste. Marie,' approved May twenty-nine, eighteen hundred and seventy-nine as amended," approved June twenty-

first, eighteen hundred and eighty-seven, and to add fourteen new sections thereto, to stand as sections eleven, twelve, and thirteen of chapter nine, section ten of chapter thirteen, sections four, five, six, seven, eight, nine and ten of chapter seventeen, section twenty-two of chapter twenty-one, section twenty-two of chapter twenty-three, and section five of chapter twenty-five, be and the same are hereby amended so as to read as hereinafter set forth and that sections eight, nine, and ten of said chapter twenty-four, be and the same are hereby repealed.

CHAPTER XVII.

SECTION 1. There shall be a board of public works in said city, which shall consist of the mayor and two good and competent men who are electors therein, and who shall be appointed by the council. The full term of an appointed member shall be two years, but said members shall be subject to classification in such manner that one term will expire each year. Appointments for the full term shall be made on the third Monday of April, in each year, or as soon after such day as may be: *Provided*, That in the year eighteen hundred and ninety-one, upon the taking effect of this act there shall be appointed two members of said board, one for one year, and one for two years from the first Monday in May of the year eighteen hundred and ninety-one. Appointments shall thereafter be made on the third Monday of April, except to fill vacancies. Members shall hold over and execute the duties of the office until appointees to succeed them qualify and enter upon their duties. Each member shall take the oath of office prescribed for city officers, and within such time as shall be fixed therefor by the common council, execute to the city and file with the recorder a bond in such sum as the common council shall order, and with sufficient surety or sureties, to be approved by the council conditioned for the faithful performance by such member of the duties of the office. In case of vacancy caused by death, resignation, removal from the city, or otherwise, an appointment for the unexpired term shall be made with as little delay as possible and in the same manner as appointments for the full terms. And any such appointee shall, within such time as the common council shall fix, take the like oath and execute and file with the recorder the like bond required of members appointed for full terms. No appointive member of said board shall hold any office under the charter of said city during his continuance as a member of the board, and his election, or appointment to, or acceptance of any office shall be deemed a resignation of membership in the board. Any member may be at any time removed by the council for official misconduct, or the unfaithful or inefficient performance of his duties. But no such removal shall be made until six days' notice of the charge preferred shall have been given to such member, with an opportunity of making his

Council to appoint board of public works.

Term of office.

Appointments, when to be made.

Proviso as to first appointments, etc.

Oath of office.

Vacancy, how filled.

Not to hold other office.

Removals, etc.

defense, nor unless his removal is voted for by at least two-thirds of all the aldermen elect.

Organization of board.

Officers of board.

Meetings.

Proviso.

Quorum.

Office to be in city hall, etc.

SEC. 2. Within one week after the annual appointment of a member of the board the members of the board shall meet and organize for the coming year. They shall select a president and the city recorder shall be *ex officio* secretary of the board with such additional salary as the council may prescribe. The president shall be a member of the board. The board shall have such stated periods of meeting as they shall determine upon: *Provided, however,* That they shall have at least one meeting in each month. At all regular meetings of the board two members shall constitute a quorum for the transaction of business, and at all special meetings it shall be necessary to have three members present unless the absent member shall have been fairly notified of said meeting or shall waive notice thereof in writing. The board shall keep an office in the city hall of said city with such furnishings as may be necessary. Written minutes of the proceedings of the board shall be kept, and all resolutions, orders, rules and directions passed and adopted by the board, shall be correctly entered at length and preserved in books of record, and the same shall be open to the inspection of the mayor, aldermen, city attorney, recorder, comptroller and treasurer, and also any resident of the city, at all seasonable times after reasonable demands. All papers and documents of importance relating to the duties of business of the board and not belonging elsewhere, shall be filed and preserved in the office of the board.

CHAPTER XX.

On failure of owner, etc., city may construct, etc., at expense of owner, etc.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the last two preceding sections and shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions and encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalk, within such time and in such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired under the direction of the board of public works at the expense of such owner or occupant.

CHAPTER XXI.

Costs of certain improvements to be paid from general fund.

SECTION 1. The cost and expense of the following improvements, including the necessary lands thereof, viz.: For city hall and other public buildings and offices for the use of the city officers, engine houses and structures for the fire department, for water-works, market houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, and public wharfs and landings upon navigable waters, levees and

embankments, shall be paid from the proper general funds of the city. When by the provisions of this act, the costs and expenses of any local or public improvement may by the council be ordered to be defrayed, in whole or in part, by special assessment upon land and premises specially benefited thereby, according to the benefit derived therefrom, such assessment may be made as in this chapter provided: *Provided*, That nothing in this chapter shall relate to the construction and repair of sidewalks.

Special assessments.

Proviso.

SEC. 22. All special assessment rolls heretofore levied and remaining in the hands of the treasurer shall be by him returned to the comptroller on the first Monday of November next thereafter. The comptroller shall spread the amounts appearing delinquent on said rolls upon the general tax roll then in course of preparation, and the same proceedings shall be taken for their collection as is herein provided for special assessments returned delinquent to the comptroller.

When special assessment rolls returned to comptroller.

CHAPTER XXIV.

SEC. 7. After said board of review shall have completed the revision of said roll, said comptroller shall indorse and sign a statement upon said roll to the effect that the same is a general assessment roll of the said city for the year in which it has been prepared, as approved by the board of review. Said statement may be in the following form, viz.:

Statement to be indorsed on roll.

General assessment roll of the city of Sault Ste. Marie for the year A. D. 18... as approved by the board of review.

Form of statement.

Dated

Comptroller.

Upon the completion of the said roll and the indorsement in the manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and to have been made according to law.

When roll presumed to be valid.

SEC. 13. Upon the equalizing of the said assessment roll by the board of supervisors of Chippewa county, the comptroller shall proceed to assess the taxes apportioned to the said city according to and in proportion to the valuation entered by the board of review in the assessment roll of the city for the year:

Assessment of taxes, etc.

Provided, That if the board of review make no such entry, then on the valuation as entered by the comptroller. He shall enter the State and county taxes in separate columns headed respectively "State taxes" and "county taxes." He shall add together the several amounts directed to be raised by general taxation in the city, as shall appear by the general appropriation bill for that year, and he shall assess the same according and in proportion to the valuations entered upon said roll in a separate column headed "city taxes." He shall assess in like proportion in a separate column headed "school taxes," the taxes voted to be raised for school purposes as certified to him in the manner provided by section twelve of this chapter. He shall likewise assess the one mill tax in a separate column

Proviso.

Entry on roll of state and county taxes.

City and school taxes.

One mill tax.

headed "one mill tax." He shall further assess and levy in the same roll, in a separate column, or columns headed "special assessments," upon the land, property and persons chargeable therewith, all special assessments returned as delinquent by the city treasurer and remaining unpaid. At the head of each of said special assessment columns shall be written the date from which such assessments draw interest.

Special assessments.

Excess. For the purpose of avoiding fractions in excess of any such taxes, the comptroller may add to the several amounts to be raised not more than one per cent. Such excess shall belong to the contingent fund of the city. The total of all taxes assessed against any one valuation or parcel of property shall be footed up and carried out in the last column on the left hand side of such roll. All the taxes there assessed shall become at once a debt to the city from the persons to whom they are assessed.

All taxes a debt to the city.

Personal taxes a lien upon personal property. And all personal taxes shall also be a lien upon all personal property of such persons so assessed, from and after the first day of December in each year, and shall take precedence of any sale, assignment, or chattel mortgage, levy or lien on any such personal property, executed or made after such first day of December, except when such personal property is sold in the regular course of trade. The amounts assessed on any real estate shall, on the first day of December, become a lien on such real property, and the lien for such amounts, and for all interest and charges thereon, shall continue until payment thereof.

Real estate taxes a lien on real estate.

Comptroller to make copy of roll and attach warrant.

Proviso. SEC. 14. The comptroller shall thereupon make a copy of such assessment roll with such taxes extended thereon. And he shall annex thereto a warrant signed by him; commanding the city treasurer to collect the several sums mentioned in the last column of said roll, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes on or before the first day of February then next: *Provided, however,* That he shall retain out of the State and county taxes sufficient moneys to make, together with the school taxes collected by him, the whole amount of taxes voted to be raised for school purposes. And the said warrant shall authorize the treasurer, in case any person named in said assessment roll shall neglect or refuse to pay the tax assessed to them, to levy the same by distress and sale of the goods and chattels of such person. The comptroller may make a new roll and warrant in case of the loss of the one given to the county treasurer.

When new roll may be made.

Collection of taxes. SEC. 16. In collecting the taxes appearing on said tax roll the city treasurer shall proceed in the same manner, and be governed by the same provisions of law as are applicable to township treasurers, except as herein provided. He may add to all taxes and collect the same percentage for collection fees as are allowed to township treasurers, except in case of special assessments.

This act is ordered to take immediate effect.

Approved June 5, 1891.

[No. 347.]

AN ACT to incorporate the city of Benton Harbor, Berrien county, and to repeal act number four hundred and twenty-eight of the session laws of one thousand, eight hundred and sixty-nine and all acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.
That all that certain territory in the county of Berrien and State of Michigan and described and bounded as follows, to wit: Commencing at a point sixty rods west of the south-east corner of section nineteen, town four south, range eighteen west; running thence north, parallel with the east lines of sections eighteen and nineteen, one and three quarters miles; thence west to the center of the channel of the Paw Paw river; thence along and following the center of said Paw Paw river to the center of section thirteen, town four south, range nineteen west; thence south to the south line of section twenty-four, town four south, range nineteen west; thence east to the place of beginning, be and the same is hereby made, constituted and incorporated into a city by the name of the city of Benton Harbor: *Provided,* That the Benton Harbor ship canal to the St. Joseph river and fifty feet on each side of said canal shall be a part of the city of Benton Harbor. Provide as to the ship canal.

SEC. 2. The city shall be divided into four wards as follows: Division into wards.
All the territory south of Main Street, west of Pipestone and Michigan streets and Colfax avenue, and north of the south line of said section twenty-four and east of the St. Joseph river, shall constitute the first ward of said city. First ward.
All the territory bounded east by Pipestone street, south by the south line of said city, west by Colfax avenue and northwest by Michigan street, shall constitute the second ward of said city. Second ward.
All the territory included in the following description, to wit: Commencing at the intersection of Main and Pipestone streets, thence east along Main street to Fourth street, thence southerly along Fourth street to Highland avenue, thence east to the east line of said city, thence south along the east line of said city to the south line of said city, thence west along the south line of said city to Pipestone street, thence northerly along Pipestone street to Main street, shall constitute the third ward of said city. Third ward.
And all the territory bounded on the east, west and north by the east, west and north lines of said city, and on the south by Main street and Highland avenue and that part of Fourth street between Main street and Highland avenue shall constitute the fourth ward of said city. Fourth ward.

SEC. 3. There shall be elected annually one supervisor for Supervisors.
the first and second wards of said city, and one supervisor for the third and fourth wards of said city, who shall hold their offices for the term of one year, and who shall be members of the board of supervisors of said county of Berrien.

SEC. 4. The first election in said city shall be held on the First election.
third Monday in July in the year eighteen hundred and ninety-

Elections there-
after, etc.
Manner of con-
ducting elections
and registra-
tions,

one, and elections shall be held on the first Monday in April in each year thereafter, and the manner of holding said first election and the giving notice thereof, and the manner of registration and the giving notice thereof, shall be the same as near as may be as is prescribed in sections eleven, twelve, thirteen and fourteen of chapter one of an act entitled "An act for the incorporation of cities," approved April twenty-ninth, A. D. eighteen hundred and seventy-three.

Present officers
to continue until
their successors
are elected.

SEC. 5. All the officers of the village of Benton Harbor shall remain in office and exercise their powers and duties and the government of said village shall in all respects continue until the city officers and members of the council first elected under the new corporation, or a majority of them, shall enter upon the duties of their offices; and all ordinances and by-laws of the village of Benton Harbor not inconsistent with the provisions of this act shall continue in full force until repealed or amended by the council of the new corporation: *Provided*, That the taxes for the year eighteen hundred and ninety-one, as now assessed upon those portions of the city of Benton Harbor now contained in the townships of Benton and St. Joseph shall be collected by the township treasurers of those townships for said year.

Ordinances to
remain in force.

Proviso as to
taxes of 1891.

To be governed
by general law.

SEC. 6. Said city shall in all things, except as herein otherwise provided, be governed and its powers and duties defined by the provisions of chapters eighty and eighty-three of Howell's Annotated Statutes of this State and the acts amendatory thereof and supplementary thereto.

This act is ordered to take immediate effect.

Approved June 5, 1891.

[No. 348.]

AN ACT to incorporate the city of St. Joseph, in Berrien county, and to repeal act number two hundred sixty-seven of the session laws of eighteen hundred seventy-three, and all acts amendatory thereof.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that certain territory in the county of Berrien and State of Michigan and described and bounded as follows: Commencing on the east shore of Lake Michigan at a point where the east and west quarter line of fractional section fourteen, in town four south, range nineteen west, touches said lake shore, thence running east to the center of section thirteen in town four south, range nineteen west, thence south to the southwest corner of the southeast quarter of section twenty-four, in said town four south, range nineteen west, thence west to the left bank of the St. Joseph river, thence southerly along the left bank of the St. Joseph river to the south line of section twenty-six, in said town four south, range nineteen west, thence west

to Lake Michigan, thence northerly along the shore of Lake Michigan to the place of beginning, excepting the Benton Harbor ship canal and a strip fifty feet wide on each side of the Benton Harbor ship canal extending from the center line north and south of said section twenty-four westerly to the St. Joseph river be and the same is hereby made, constituted and incorporated into a city by the name of the city of St. Joseph.

SEC. 2. The city shall be divided into two wards as follows: Wards.
All the territory described in section one of this act west of the First ward.
north and south quarter line of said section twenty-six and west of Main street to the river in the present village of St. Joseph shall constitute the first ward of said city; and all territory described in section one of this act not included in the Second ward.
first ward shall constitute the second ward of said city.

SEC. 3. There shall be elected annually from each ward of Ward officers.
said city, one supervisor who shall hold his office for the term of one year and who shall be a member of the board of supervisors of said county of Berrien.

SEC. 4. The first election in said city shall be held on the First and subsequent annual elections.
first Monday in April in the year eighteen hundred ninety-two and elections shall be held on the first Monday in April of each year annually thereafter. The manner of holding said first election and giving notice thereof, and the manner of registration and the giving notice thereof, shall be the same as near as may be as is prescribed in sections eleven, twelve, thirteen and fourteen of chapter one of an act entitled "An act for the incorporation of cities" approved April twenty-ninth, A. D. eighteen hundred seventy-three. Manner of conducting elections and registration.

SEC. 5. All the officers of the village of St. Joseph shall remain in office and exercise their powers and duties and the government of said village shall in all respects continue until the city officers and members of the council first elected under the new corporation, or a majority of them shall enter upon the duties of their offices; and all ordinances and by-laws of the village of St. Joseph not inconsistent with the provisions of this act shall continue in full force until repealed or amended by the council of the new corporation: *Provided*, That the Present officers to continue until successors elected.
taxes for the year eighteen hundred ninety-one, as now assessed upon those portions of the city of St. Joseph now contained in the township of St. Joseph shall be collected by the township treasurer of said township for said year. Proviso as to taxes of 1891.

SEC. 6. Said city shall in all things except as herein otherwise provided be governed and its powers and duties defined by the provisions of chapters eighty and eighty-three of Howell's Annotated Statutes of this State and the acts amendatory thereof and supplementary thereto. To be governed by general law.

This act is ordered to take immediate effect.

Approved June 5, 1891.

[No. 349.]

AN ACT to amend sections two, three, thirteen, twenty-two and twenty-four of the act entitled "An act to establish a police government for the city of Detroit," approved April seventeenth, one thousand eight hundred and seventy-one, and the acts amendatory thereof.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections two, three, thirteen, twenty-two and twenty-four of the [act] acts entitled "An act to establish a police government of the city of Detroit," approved April seventeenth, one thousand eight hundred and seventy-one, and the acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Board of metro-
politan police.

Mayor to appoint,
etc.

Terms of office.

Property, books,
etc., to be turned
over to new
board, etc.

Terms of office,
etc.

Vacancies, how
filled.

SEC. 2. That from and after the first day of July, one thousand eight hundred and ninety-two, the board of metropolitan police of the city of Detroit, shall be composed of four electors and freeholders of the said city to be appointed by the mayor of said city. That on or before the said first day of July, A. D. one thousand eight hundred ninety-two, it shall be the duty of the mayor of said city, and he is authorized and empowered to appoint four commissioners of police who shall respectively have the qualifications of electors and freeholders of said city; one of such commissioners shall be appointed to hold office until the first day of July, one thousand eight hundred [and] ninety-three; one of such commissioners shall be appointed to hold office until the first day of July, one thousand eight hundred and ninety-four; one of such commissioners shall be appointed to hold office until the first day of July, one thousand eight hundred and ninety-five; and one of such commissioners shall be appointed to hold office until the first day of July, one thousand eight hundred and ninety-six. The existing board of metropolitan police shall, upon the appointment and organization of the board herein provided for, surrender to said board, all property, books, papers, documents and effects in its custody or under its control. And the board herein provided for, shall succeed to all of the rights, privileges and prerogatives lawfully pertaining to the existing board of metropolitan police, not in conflict with the provisions of this act.

SEC. 3. The term of office of each commissioner of the metropolitan police, after the respective determinations of the terms aforesaid, shall be four years and the mayor of said city, shall appoint from the electors and freeholders of said city of Detroit, a successor to the person whose term shall expire as such commissioner. Any vacancy occurring during the term of any commissioner shall be filled for the unexpired portion of such term, by appointment of the mayor of said city of Detroit, and the commissioner so appointed, shall hold office for such unexpired portion of the term.

SEC. 13. The superintendent, deputy superintendent, of any

member of said police force, having just cause to suspect that any felony is being, or is about to be committed within any building, public or private, or on any wharf, or inclosure, or on board of any ship, boat or vessel, within said city of Detroit, may enter the same at all hours of the day or night, to take all necessary measures for the effectual prevention of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect have been stolen. The members of said police force shall also serve and execute all process and subpoenas issued in the recorder's court and the police court of said city: *Provided*, That it shall be the duty of said board of metropolitan police, to cause to be brought before one of the police justices of the city of Detroit, every person arrested by any member of said police force on suspicion of felony, or for any other cause within thirty-six hours after such arrest, and said justice on hearing the grounds of such charge, may by written order remand such person to the custody of said police force. No person shall be held in the custody of said police force on such arrest, for a longer period than six days.

Powers of police officers, etc.

Proviso.

SEC. 22. It shall be the duty of the board of police to prepare and submit to the controller, on or before the first day of March in each year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city during the ensuing fiscal year, which estimate shall be in detail, and shall be laid by the controller before the common council with his annual estimate; and the same be by the common council of said city submitted to the board of estimates of said city; and so much thereof as shall be approved, shall be provided for in the general tax assessment, by levy to be laid on said city, and collected with other city taxes; and said money shall be paid by the receiver and collector of taxes when collected into the city treasury, and shall be styled the "metropolitan police fund," and shall be drawn out therefrom for police purposes of said city under the fiscal regulations established by law for the government of said city, and the city treasurer of said city of Detroit shall be the treasurer and custodian of the funds of said board.

Board to make annual estimate of expenses.

Council to provide for same by tax levy.

Style of fund.

City treasurer to be custodian of fund.

Expenses authorized.

SEC. 24. No expenses other than the salaries, and pay herein provided, shall be incurred by the board of police, except for rent, record books, stationery, printing, telegraphing, badges, clubs, furniture of necessary rooms and stations, the preservation, repair and cleansing of the buildings and rooms used by the board, advertising, lights, fuel, board of prisoners, witnesses, and for the arrest, conveyance and custody of prisoners and witnesses, and preservation of the discipline and good order of the force together with all the expenses which are actually necessary to perform all the duties and exercise all the powers by this act enjoined upon them and granted to them unless the same shall be expressly authorized, and provision made therefor as a city charge by the common council of the

city of Detroit, all expenses which are actually necessary to perform all the duties and exercise all the powers by this act enjoined upon them and granted to them. The books and accounts kept by said board shall at all times be subject to the inspection of the mayor and controller, or either of them; and the common council may, at any time, require information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the force.

Books to be open
to inspection.

When to take
effect.

SEC. 2. This act shall take effect the second Wednesday in July in the year eighteen hundred and ninety-two.

Approved June 5, 1891.

[No. 350.]

AN ACT to amend an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, in the year one thousand eight hundred and sixty-nine, and as amended by acts amendatory thereof, by adding two sections thereto to be known as sections twenty-four and twenty-five.

Act amended.

SECTION 1. *The People of the State of Michigan enact,* That an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, in the year one thousand eight hundred and sixty-nine, and as amended by acts amendatory thereof, be and the same is hereby amended by adding two sections thereto, to be known as sections twenty-four and twenty-five, said sections to read as follows:

Certain questions
to be submitted
to vote, etc.

SEC. 24. The board of education of the city of Detroit may, when so authorized by a majority vote of its members, submit to the qualified voters of the school district comprising the city of Detroit, any measure or question not coming under its general power or authority for adoption, which said board may deem just and proper toward the prosperity of, and the advancement of education in the free schools in the city of Detroit, including the submission of the question of the use of free text-books in the free schools of said city.

To be submitted
at annual city
election, etc.

Upon the adoption of any such measure or question by said board as aforesaid or the adoption of free text-books by the majority vote of said board, said board shall submit said measures or questions to the qualified voters of said school district at the next ensuing annual city election, and said qualified voters shall be entitled to vote upon any such measures or questions as aforesaid at said city elections: *Provided,* That the secretary of said board of education shall file with the city clerk of Detroit, a notice in writing of the adoption by the majority vote of said board of any such measure or question, together with a draft in writing of the form and purport of said measure or question to be so submitted to said voters for adoption or rejection. Said notice to be under the seal of said board and

Proviso.

to be so filed with said city clerk at least twenty days before any such election. Upon the receipt of said notice said city clerk shall cause the same to be published in accordance with the laws of this State applicable to and governing annual city elections in said city of Detroit. The manner of conducting said elections, the method of submitting said methods or questions and the voting upon the same, the keeping of the poll list, the canvassing of votes, the certifying of returns upon the same, and all other proceedings connected with the practicable submission of said measures or questions, including the providing of, the printing and delivery of, and the distribution of ballots shall be the same, as nearly as may be, and as now is and as hereafter may be provided for by the laws of this State governing city elections: *Provided further*, That any such measure or question submitted, as aforesaid, to the electors of said district shall be placed on a separate ticket or ballot, and the same deposited by the inspectors of election in separate ballot boxes to be provided by the city of Detroit for that purpose, and the clerks of election shall make a separate poll list, which shall contain the names of all women voting at said election upon such measures or questions. If a majority of the qualified electors of said district so vote in favor of the furnishing of free text-books by said board in said district, said board of education shall have full power and authority, and it shall be its duty to advertise for bids under the rules and regulations of said board, and to purchase such books from the party or parties making the lowest bid for the furnishing of the same to said board, and said board shall, as soon as practicable, after purchasing the same, supply the free schools in the city of Detroit with the said free [text-books] text-book. If a majority of the qualified electors of said district at any such election either adopt or reject any other measure or question so submitted by said board, then said board of education shall abide by the result so voted upon.

Elections, how conducted, etc.

Proviso.

Board to advertise for bids, etc.

SEC. 25. The qualifications of electors in the school district comprising the city of Detroit, shall be the same as those prescribed by the laws of this State and the United States for voters at large at general city elections: *Provided*, That women of or above the age of twenty-one years shall be qualified to vote in said school district upon any such measures or questions, including the question of free text-books submitted as aforesaid, subject to the same qualifications and regulations as those applicable to and governing the votes of male citizens upon such measures or questions as aforesaid.

Qualifications of electors.

Proviso as to women voting.

Approved June 8, 1891.

[No. 351.]

AN ACT to revise and amend act number two hundred and sixteen of the session laws of one thousand eight hundred

and seventy-one, entitled "An act to incorporate the city of Hastings," approved March eleventh, one thousand eight hundred and seventy-one, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts and parts of acts inconsistent herewith.

Acts amended
and repealed.

SECTION 1. *The People of the State of Michigan enact,* That act number two hundred and sixteen of the session laws of one thousand eight hundred and seventy-one, entitled "An act to incorporate the city of Hastings," approved March eleventh, one thousand eight hundred and seventy-one, as revised and amended by the several acts revisionary and amendatory thereof be, and the same is hereby amended so as to read as follows, and all acts and parts of acts inconsistent herewith are hereby repealed:

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That all that portion of the township of Hastings, in the county of Barry, known and described as the entire sections seven and eight, the entire sections seventeen and eighteen, the north half of sections nineteen and twenty, the west half of the west half of section sixteen, and the west half of the northwest quarter of section twenty-one, be, and the same is hereby detached and set off from the said township of Hastings and erected into, and declared to be a city by the name of the city of Hastings, by which name it shall be hereafter known.

Name.

Body corporate,
etc.

SEC. 2. The inhabitants of said city, from time to time, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the city of Hastings, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended, in all courts of law and equity, and in all other places whatsoever; and may have a common seal, which they may alter and change at pleasure; and by the said name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real or personal estate for said corporation.

Wards.

SEC. 3. Said city shall be divided into four wards as follows:

First ward.

First, The first ward shall embrace all that portion of the city lying north of the Thornapple river;

Second ward.

Second, The second ward shall embrace all that portion of the city lying south of said river, and east of Fall creek;

Third ward.

Third, The third ward shall embrace all that portion of the city lying south of said river, west of said creek, and east of Church street and the continuous line thereof;

Fourth ward.

Fourth, The fourth ward shall embrace all that portion of the city lying south of said river, and west of Church street and the continuous line thereof.

Officers to be
elected.

SEC. 4. The following officers shall be elected from among the qualified electors of said city, to wit: One mayor, one recorder who shall be *ex officio* city clerk, one treasurer, one

marshal and four justices of the peace; and such officers shall be elected in the following manner: The mayor, recorder, ^{Terms.} treasurer and marshal shall be elected on the first Monday in April and shall be chosen for one year and until their successors are elected and qualified; there shall also be elected annually, one justice of the peace, and the term of all justices elected under and by virtue of this act shall commence at the same time, and they shall hold their office for the same length of time as justices of the peace elected in and for the several townships of this State; there shall also be elected annually, ^{Supervisors.} one supervisor in wards one and four, and one supervisor in wards two and three of said city, who shall hold their office for one year, and until their successors are elected and qualified.

SEC. 5. There shall be elected at the same time, in each of the several wards, one constable and one alderman; the constable shall be elected for one year and until his successor is elected and qualified; the alderman shall be elected for two years and until his successor is elected and qualified. ^{Ward officers, terms.}

SEC. 6. The annual elections under this act shall be held on the first Monday in April in each year, and at such places in each ward as the common council shall designate, of which election the recorder shall give at least ten days' notice, by posting the same in at least three public places in each ward, and by publication in at least one newspaper published in said city. The aldermen of each ward shall be the inspectors of such elections, and shall also be the inspectors of State, district and county elections. Said inspectors shall, before opening the polls at any election, appoint one of their number chairman of such board of inspectors; they shall also appoint two persons to serve as clerks of said election, and in case of the absence of one or more of such inspectors the electors present may choose *viva voce* from their number, one or more persons to fill such vacancy or vacancies, to whom and to such clerks shall be administered the constitutional oath, by either of said inspectors, or by any person authorized to administer oaths. The manner of conducting elections and canvassing votes, and the qualifications of electors in the several wards, shall be the same as in townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote is challenged, and in the making of all certificates or statements of and concerning such elections: *Provided*, That at such charter elections said ward inspector shall make one certificate of the number of votes given for each of the several offices to be filled in said city, and also one certificate of the officers elected in and for their respective wards, which certificate shall, within twenty-four hours, be filed in the office of the city recorder, and upon the Wednesday next following the day of such election the common council shall meet at the office of the recorder, and then and there determine who, by the greatest number of votes given in the several wards, are duly elected to fill the respective city offices; and it shall be the duty of the recorder, ^{Annual elections.} ^{Inspectors of election.} ^{Clerks.} ^{Elections, how conducted, etc.} ^{Provide as to certificates, etc.} ^{Council to determine result, etc.}

Recorder to
notify persons
elected, etc.

Proviso as to
justices of the
peace.

In case of a tie.

Proviso.

Appointive
officers.

Removals.

Proviso as to
special election
to fill vacancies.

immediately after such determination, to cause notice to be given of their election to each of the persons so elected, and each officer so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office, before any person authorized to administer the same, and shall deliver the same to the recorder, who shall file and preserve the same in his office: *Provided*, That in the case of the election of one or more justices of the peace, said recorder shall make a certificate thereof, and cause the same to be delivered to the clerk of said county of Barry, in the same manner as township clerks are required to do in similar cases; and in all cases where two or more persons shall receive for the same city office an equal number and plurality of the votes given at such election for such office, the common council shall forthwith proceed to determine by lot, and shall declare which of such persons is elected to such office; and in case two or more persons receive an equal number and plurality of votes given for the same ward office, the board of ward inspectors shall proceed forthwith, after the canvass of votes, to determine in like manner and declare which of such persons is elected to such office; and in case any officer duly elected and notified shall neglect for the space of ten days, to qualify as aforesaid, and to give such security as the provisions of this act or the ordinances or by-laws of the common council shall require, such office shall thereby become vacant: *Provided*, That every notice given as aforesaid by the recorder to an officer elect shall state what security, if any, is required by law from such officer, and the terms and conditions thereof.

SEC. 7. The common council shall have power to appoint an attorney for said city, a chief engineer for the fire department, a street commissioner, and such other officers whose election is not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act, and may remove the same at pleasure; they shall also have power to remove the treasurer for any gross violation of the provisions of this act, of the ordinances or by-laws of said corporation, or for willfully refusing to comply with any lawful requirements of said common council; and they shall have power at any time, by a majority vote of all the aldermen elect, to remove the marshal for any cause they may deem sufficient, and in case of the death, resignation, removal from office, removal from the city or from the ward for which he was elected, of any officer of the corporation, the common council shall as soon as may be, appoint an officer to fill such vacancy until the next general or city election, when the same shall be filled by election, for the unexpired portion of the term thereof; and all officers thus appointed or elected shall be notified, and shall qualify as herein required: *Provided*, That said common council may at any time order a special election after having determined upon the necessity of the same to fill vacancies existing in any offices which are elective under this act, in which case they shall designate the time and place for holding such special election and the same notice shall be given as for an annual

election, and shall name the office or offices to be filled; and every person thus elected shall receive notice and qualify as aforesaid, and serve for the remainder of the term of such office. The city council shall have authority to compensate the officers appointed by them under the provisions of this act from the funds of said city, prescribe their powers and duties not specifically defined by this act.

Compensation of
appointive
officers.

SEC. 8. The mayor, recorder and aldermen when assembled together and duly organized shall constitute the common council of the city of Hastings, and a majority of the aldermen shall be necessary to constitute a quorum for the transaction of business, although a less number may adjourn the council from time to time. The said council shall meet at such times as they shall determine, and at such other times as the mayor, or in case of his absence from the city, or of his inability to act, or of a vacancy in said office, the president of the council may appoint. Whenever a special meeting shall be called, the object and purpose of said meeting shall be stated in such call. The common council shall have power to impose, levy and collect such fines as they may deem proper, by by-law or ordinance, for the non-attendance of members and officers thereof at any meeting, and also to require the attendance at any meeting of any of the officers of said city, and in like manner to impose, levy and collect such fines as they may deem proper for non-attendance.

Common council,
who to constitute.

Quorum.

Meeting, etc.

SEC. 9. It shall be the duty of the mayor to preside at all meetings of the council, and in case of a tie to cast the deciding vote, but he shall not vote in any other case. He shall be the chief executive officer of said city, and shall be *ex officio* a member of said council. He shall have power to and shall appoint all standing committees. He shall preside at all meetings of said council, and call special meetings of the said council whenever he shall deem it expedient, or whenever requested in writing by three or more aldermen. The mayor shall see that all by-laws, rules and regulations and ordinances of said city are enforced, and he shall have authority at all times to examine and inspect the books, records and papers of any agent, commissioner or officer of the corporation, pertaining to the duties and office of such persons. He shall have supervision and control of the marshal and police. He shall countersign all warrants and orders for money on the treasurer of said city, and shall perform generally such duties as may be required of him by this act. He shall be conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder; he shall have authority to command the assistance of able bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. The mayor shall also have power when in his judgment he shall deem it necessary, to suspend any officer of the city who shall hold his office during the pleasure of the council, and such suspension shall continue in force only until the next regular meeting of the council, unless it be then ratified by the council. Such suspension shall be a

Duty of mayor.

President of
council.

written notice filed with the clerk, a copy of which shall be served upon the officer. The common council shall at its first regular meeting after any election, appoint one of its members to be president of the council. Such president shall in the absence of the mayor, or in case of his inability to act, perform all the duties of mayor.

Duty of recorder.

SEC. 10. It shall be the duty of the recorder to attend all meetings of the common council and keep a fair and accurate report of its proceedings, which shall be published in one or more papers published in said city. In case the mayor shall be absent or unable to act, or of the absence of the president of the council, the aldermen may appoint one of their own members to preside at such meeting, or in case of the absence of the recorder they may appoint one of their own members recorder *pro tempore*; and no alderman shall be allowed to vote on any matter in which he shall have a direct personal interest, but upon all other questions he shall vote. The city recorder shall keep and have charge of the corporate seal, and all documents, official bonds and records of said city not by this act or by the ordinances of said city entrusted to some other person; he shall be clerk of said council and attend all meetings of said common council, record all its proceedings, ordinances and resolutions, and attend to the publication of all notices, ordinances and regulations required to be published; give notices of special meetings, elections, and to persons elected; he shall sign and register all licenses granted, and shall, when required by the council for the use of the city, make and certify under the seal of the city, copies of the records of the papers filed and kept in his office, and he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have power to administer oaths and affirmations and exercise such other powers as are provided in this act, or that may be by ordinance of the council prescribed. Said recorder shall, on demand and tender of fees therefor at the rate of ten cents per folio, make and furnish a certified copy or transcript of any paper or record filed in his office or kept by him as such clerk and as such recorder. And all fees received by him therefor shall be the property of and belong to said clerk in addition to his regular salary. Copies of all papers duly filed in his office and transcripts from the record of the proceedings of said council, certified by the recorder under the corporate seal of the city of Hastings, shall be evidence in all courts of this State in like manner as if the originals were produced. The recorder shall be the general accountant of the city, and all claims against said city shall first be filed with him for adjustment, and when allowed by the council shall draw his warrant upon the treasurer for the payment thereof, designating therein the fund from which payment is to be made and for what purpose. When any tax or money shall have been levied, raised or appropriated, the recorder shall report the amount thereof to the city treasurer, stating the object and the funds for which the same was levied, raised or appropriated, and the

Fees.

Certified copies
of papers, etc., to
be evidence.

Accountant, etc.

amounts thereof to be credited to each fund. He shall countersign and register all bonds issued. He shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, revenues, resources and liabilities, with a detailed proper classification thereof; he shall also keep an account with the treasurer in which he shall charge him for all moneys received for each of the several funds of the city, and credit him with all warrants drawn thereon, keeping account with each fund. He shall report to the city council, whenever required, a detailed statement of the receipts, expenditures and financial condition of the city, and shall perform such other duties pertaining to his office as are required by this act, or as said council, by ordinance or resolution, may require.

Statement of receipts and expenditures.

SEC. 11. The recorder, treasurer, marshal and street commissioner shall, before entering upon or exercising their respective duties, give security for the faithful discharge of their respective duties or trusts, in such manner and under such regulations as this act or the ordinances or by-laws of said corporation shall prescribe.

Certain officers to give bonds.

SEC. 12. The treasurer of said city shall have the custody of all moneys, the recorder's bond and bonds other than official bonds, and all evidences of value belonging to said city. He shall receive all moneys belonging to and receivable by the corporation, and keep a correct account of all receipts and expenditures. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the recorder and countersigned by the mayor of said city, which shall specify the purpose for which the amount thereof and the fund from which the same are to be paid. He shall keep an account of and be charged with all taxes and money appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the proper fund upon which the warrant is drawn. The treasurer of said city shall render to the said council when required, a report of the accounts received and credited by him and for what purpose, from each fund, and the amount of money remaining in each fund on the day of each report. The treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made, which vouchers, upon settlement with the proper officers of the city, shall be surrendered to and filed with the city clerk. Said city treasurer is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrant or warrants of indebtedness in his custody, for his own use or benefit or that of any other person; any violation of the provisions of this section shall work a forfeiture of his office, and the city council, upon proof of the fact, is authorized to declare the office vacant and appoint a successor for a remainder of the term. The city treasurer shall, whenever he shall act as the collector of taxes, exercise such powers as are conferred by the general laws of

Duty of treasurer.

To report condition of funds to council.

Shall not use corporation money for personal benefit.

Duties as collector of taxes.

Bond of treasurer.

Chief of police, duties of, etc.

Marshal and police to have powers of constables.

May enter buildings in discharge of duties.

May arrest without warrant.

To serve process, writs and warrants.

the State upon township treasurers and shall perform such other duties pertaining to his office as may be required of him from time to time by the city council, or by the provisions of this act. He shall also collect all city taxes imposed by the common council, in the manner prescribed by this act, and the ordinances and by-laws in relation thereto; and he is hereby empowered and required to perform the same duties in relation to the collection and return of taxes assessed and levied within said city for State, county, and school purposes, as is required of township treasurers, in the same manner and under like restrictions and liabilities that are imposed by law on such township treasurers. The city treasurer elect in each year before entering upon the duties of his office, and within ten days after his election, shall make and file with the city clerk a bond in the penal sum of not less than forty thousand dollars, and such additional sum as the common council may require, with three sureties, to be approved by the city council, conditioned for the faithful accounting for the proper payment of all moneys belonging to the city and coming into his hands by virtue of his office, and for the faithful and lawful performance of all other duties of his office.

SEC. 13. The city marshal shall be chief of police; he shall have the general supervision of the city, and, subject to the mayor, he shall have the direction of the police of the city. As peace officer he shall, within said city, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. It shall be the duty of the marshal and police to see that all the ordinances and regulations of the city council, made for the preservation of good order and for the safety and protection of the inhabitants of said city, are promptly enforced. The marshal and police shall have and exercise, within said city, all the powers given by law to constables for the preservation of peace, and to apprehend and arrest offenders against the laws of the State, or the provisions of this act. They shall have the power to enter any disorderly or gaming house or dwelling-house, or any other building where a felon is known to be secreted or harbored, or where any person is who has committed any breach of the peace, or where any breach of the peace or felony has been committed. It shall be the duty of the said marshal and police, and they are hereby fully authorized, to suppress all riots, disturbances and breaches of the peace, and to arrest upon view all persons fleeing from justice, to apprehend upon view any person found committing any offense against the laws of the State, and to take such person before the proper officer or magistrate to be dealt with according to law; to make complaints before the proper officer or magistrate of any person known or believed by them to be guilty of crime, or having violated any ordinance or regulation of said city, and to serve all process, writs and warrants that may be delivered to them for that purpose, or that may be required in any prosecution for the violation of any ordinance or regulation of said city. In prosecutions under any city ordi-

nance or regulation of said city, the marshal and regular police thereof shall have the same powers and shall perform the same duties as are given to and performed by constables under the laws of the State, and generally, they shall perform all such duties pertaining to their respective offices as may be required by the city council. The constables of the city of Hastings and the sheriff and under sheriff of the county and deputies shall have the same powers to preserve good order and enforce the police regulations contained in this act, or that may be enacted by the city council, as are herein conferred upon the marshal and police, and they shall have power to serve all process, writs and warrants in any prosecution or suit under any ordinance of said city, and to perform such acts in relation thereto as they perform in civil and criminal cases under the laws of the State.

SEC. 14. The legislative authority and control of said city shall be vested in the city council. Said council shall have control of all finances, rights, interests, buildings and property, personal and real, belonging to said city, and may make such ordinances, by-laws, rules and regulations in regard to the same, as said council may deem necessary for the care, protection and use thereof, and shall have authority to enact all such ordinances, by-laws, rules and regulations as may be necessary to carry into effect the powers by this act conferred, and to alter, amend and repeal the same at pleasure: *Provided*, That no ordinance or by-law shall take effect until the same shall have been published at least two successive weeks in at least one weekly newspaper published in said city. Said city council shall have authority to adjust and settle all accounts and claims against said city, and no suit or action shall be maintained against said city on any account or claim until the same shall have been presented to said council, and said council shall have had an opportunity to pass upon the same. The city council shall hold not less than two stated meetings in each month, and may hold special meetings as often as necessary. The time of holding said meetings shall be fixed and determined by said council and if any stated meeting shall fall upon a legal holiday, such meeting, by reason thereof, and without further action by the said council, shall stand adjourned until the next succeeding day, at the same hour of holding said meeting, upon which the same can be legally held. Within one week after each meeting of the city council all proceedings taken thereat shall be published in at least one newspaper in said city. Said council shall have authority to appoint and compensate a suitable person as street commissioner of said city, who shall have such power and shall perform such duties pertaining to his office as the council may prescribe. The city council shall have power to borrow money for necessary expenses and public improvements in said city: *Provided*, That it shall not be lawful for said city council to borrow more than five thousand dollars in any one year, unless the question of raising a greater sum shall be first submitted to the electors of the several wards of said city at its annual election or at a

Legislative
authority vested
in council, etc.

Proviso as to
publication of
ordinances, etc.

Number of and
time of holding
stated meetings.

Proceedings of
council to be
published.

May borrow
money, etc.

Proviso as to
limit of amount.

General powers
of council.

special election called for that purpose by the city council, and a majority of the qualified electors thereof, voting at said election, shall vote by ballot for the same. In case said common council shall find it necessary to borrow money for public improvements, or to pay necessary expenses of said city under the provisions of this section, it shall and may be lawful to raise said amount by general taxation upon the taxable property of said city in addition to the several amounts constituting the several funds hereinafter provided for to be raised by general taxation; said tax to be known and assessed as "past indebtedness tax."

Vice and im-
morality.

And further they shall have power to enact, make, continue, establish, modify, maintain and repeal such ordinances, by-laws and regulations as they may deem desirable, within said city, for the following purposes:

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent and quell riots, disturbances, disorderly noises and all assemblages in the [streets] street or elsewhere in said city;

Disorderly
houses.

Second, To prohibit, prevent and restrain disorderly and gaming houses, and to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and to regulate and restrain billiard and pool tables and bowling alleys;

Gaming.

Third, To prohibit, restrain or prevent persons from gaming for money or other valuable thing with cards, dice, billiards, nine or ten pin alleys, or tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever in any grocery store, shop or in any other building or place in said city whatsoever; to punish all persons keeping the building, place, instruments, devices, or means for such gaming and to provide for the destruction of the same;

Lotteries.

Fourth, To prohibit, prevent and suppress all lotteries for drawing or disposing of money, property or valuable thing whatsoever, and to punish all persons maintaining, directing or managing the same or aiding in the maintenance, direction or management thereof;

Liquors, etc.

Fifth, To forbid and prevent the vending or other disposing of liquors or intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drank, intoxicating liquors to any minor, drunkard, and to prohibit, restrain and regulate the sale of all goods, wares and personal property at auction, except in cases authorized by law, and to fix the fee to be paid by auctioneers;

Nuisances.

Sixth, To prohibit, prevent and abate or remove nuisances of every kind, and to declare what shall be considered nuisances; and to compel the owner or occupant of any grocery, provision store, butcher stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of said city;

Seventh, To direct the location of all slaughter-houses, markets and buildings for storing gunpowder or other combustible or explosive substances; also to make regulations concerning the buying, carrying, selling, keeping and using of gunpowder, fire-crackers or fire-works, manufactured or prepared therefrom, or other combustible, explosive or dangerous articles; the exhibitions of fire-works and the discharge of cannon or fire-arms, and the use and the kind of lights or lamps to be used in barns, stables and all buildings, cellars or establishments they shall regard as extra hazardous, in respect to fire; and to regulate, restrain or prevent the making of bonfires in the streets, lanes, alleys and yards or public places; Slaughter-houses, etc.

Eighth, To prevent the incumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges in any manner whatever, and to remove any obstruction therefrom; to regulate or prevent the exhibition of signs on canvas or otherwise in or upon any vehicle standing in or traveling upon the streets of said city, or held or carried by any person; to control, prescribe or regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs; to control, prescribe and regulate the manner in which the streets, lanes, avenues, alleys, public grounds and spaces within said city shall be used, and to establish the grades thereof; and to provide for the preservation of, and the prevention of willful injury to the gutters of said streets, lanes, avenues and alleys; to direct and regulate the planting, and to provide for the protection and preservation of ornamental trees therein; Incumbering streets, etc.

Ninth, To require any horse, horses, mules or any other animals attached to any vehicle, standing in any of the streets, lanes, alleys or public grounds, or places within said city, to be securely fastened, held or watched; to prevent and punish horse-racing and immoderate driving or riding in any street, lane, alley, and to authorize the stopping and detaining of any person, who shall be guilty of any immoderate riding or driving in any street, lane or alley; Fast driving, etc.

Tenth, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon the railroads within said city, and to compel the railroad companies, their officers, agents, managers and employes, to station flagmen at any street crossings; and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, and to prohibit the same; and to make such other rules or regulations concerning the same as to secure the safety of citizens or other persons; Railroads in city, etc.

Eleventh, To restrain and punish drunkards, vagrants, mendicants and street beggars soliciting alms and subscriptions for any purpose whatever; Vagrants.

Twelfth, To regulate or prohibit bathing in any public water; to provide for clearing the river, ponds and streams within the city limits, and the races and canals connected therewith, of all drift-wood and noxious matter, and to prevent Bathing in public waters, etc.

the depositing therein of any filth or any other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive; and to designate the location of all stock yards;

Pounds.

Thirteenth, To establish and regulate one or more pounds; and to prevent the running at large of horses, cattle, swine and other animals, geese, chickens, turkeys and other fowls, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding;

Dogs.

Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled and to authorize them to be killed when running at large in violation of any ordinance; and to prohibit any person from placing, exposing or administering any poison to any fowl, dog, or other animal not his own;

Dead carcasses.

Fifteenth, To prohibit any person from bringing into said city or depositing or suffering to remain therein, any dead carcass, or unwholesome or offensive substance; to compel the removal or destruction of all putrid meats, fish and offensive vegetable matter;

To keep sidewalks clean, etc.

Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them, clear from snow, ice, dirt, signs, boxes, goods, wares, merchandise and other obstructions;

Ringling of bells, etc.

Seventeenth, To prevent or regulate the ringing of bells, and crying of goods or other commodities, or other disturbing noises in the streets, lanes, alleys or in any public place or on private property adjoining thereto;

Duties, etc., of policemen, etc.

Eighteenth, To prescribe the powers and duties of policemen and watchmen not specifically defined by this act, and to require them to be uniformed and to fix their compensation;

Weights and measures, etc.

Nineteenth, To provide for the sealing of weights and measures; to enforce the keeping and use of proper weights and measures by venders, and to regulate the construction, repair and use of vaults, cisterns, areas, hydrants, sewers and gutters;

Burial of the dead.

Twentieth, To regulate all grave-yards in said city and the burial of the dead;

Markets, etc.

Twenty-first, To regulate the markets, the vending of hay, wood, meats and vegetables, fish, fruit, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys and public places, and to provide or prescribe stands for exposing the same for sale; to regulate the inspection, weighing and measuring of brick, lumber, wood, coal, hay and any articles of merchandise;

Water works, etc.

Twenty-second, To establish, provide and regulate water-works; to prevent the waste of water, and to regulate and control the use thereof; to provide for and regulate connections with water pipes and mains in said city and to punish for all unauthorized connections and interference with the same, and to regulate water rates and charges for the use thereof; and to provide for the collection of the same;

Twenty-third, To provide for and regulate the lighting of streets, alleys and public places, and to provide for the protection and safety of public lamps and property used for or in connection with any system of lighting; to employ suitable persons to superintend the same and to fix their compensation; Lighting of streets.

Twenty-fourth, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, hacks, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for carrying persons or goods for hire, and to fix and regulate their rates of fare and compensation; and to license and regulate all vehicles of every kind used for transportation of persons or property for hire in said city and to prescribe stands for the same; Soliciting passengers, etc.

Twenty-fifth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour and other provisions; to regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating-houses; Inspection of meats, etc.

Twenty-sixth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling; and to regulate, license or prohibit the sales or peddling of goods, wares, merchandise or any kind of property by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicles or other devices in the streets, highways, alleys or in or upon any public grounds or buildings in said city; License hawkers, etc.

Twenty-seventh, To license auctioneers, auctions and sales at auctions; to regulate or prohibit the sale of live or domestic animals at auction in the streets, alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction, or by any manner of public bidding or offers; to license the same and to regulate the fees to be paid by auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; Auctioneers, etc.

Twenty-eighth, To regulate, license, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions for which money or other reward is in any manner demanded or received, lectures on history, literary and scientific subjects excepted; Sports, exhibitions, etc.

Twenty-ninth, To prevent and punish for the disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose; and to prevent and punish for assembling and loitering about churches during the progress of any religious meeting or at the close thereof; Religious meetings, etc.

Thirtieth, To provide for and regulate a place or places for hitching teams in said city; to erect and maintain suitable hitching posts; to prohibit all practices, amusements and doings in the streets, lanes and alleys and public places in said city, having a tendency to frighten teams and horses, or Hitching of teams, etc.

dangerous to life, limb or property; to remove or cause to be removed therefrom all buildings and structures that may be liable to fall and endanger life, limb or property; to preserve quiet and good order in the [street] streets and other public places, and at the arrival and departure of railroad trains; to prevent assemblages on street corners or other places in the public streets to the annoyance or inconvenience of pedestrians; to prevent persons not passengers or railroad employes, from jumping on and off of cars; to prescribe the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or places of public resort, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers or baggage with their drays, carts, cabs, carriages, sleighs, hacks, omnibuses or other vehicles, shall stand at any depot or other place in said city;

Unsafe buildings, etc.

Thirty-first, To prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations in relation to buildings deemed unsafe;

Regulate the construction of drains, etc.

Thirty-second, To regulate the construction of private drains, sinks, cess-pools and privies; to compel the owner or occupant to fill in, drain, cleanse, alter, relay or repair the same and to pull down or remove any buildings, fences or structure which may be unsafe or liable to fall and injure persons or property, or cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such building, structure, private drain, sink, cess-pool or privy thereon;

Compensation of officers.

Thirty-third, To fix and regulate the compensation of all officers of the city in cases not herein otherwise fixed or regulated by law;

Thirty-fourth, To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions;

Disorderly houses, etc.

Thirty-fifth, To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses and places; to restrain and punish the keepers thereof, and persons found therein; to punish and restrain common prostitutes, vagrants and drunkards, and disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to secure said city and its inhabitants against injuries by fires, thieves, robbers, burglars and other persons violating the public peace;

Offensive trades, occupations, etc.

Thirty-sixth, To prohibit and prevent within certain limits or districts in said city, the location or construction of buildings for storing gunpowder, tanneries, distilleries, buildings for the manufacture of any combustible or inflammable material, slaughter-houses and yards, butchering shops, soap factories, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be

carried on; and such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, founderies, cooper shops, steam boiler factories, carpenter shops, planing establishments and all buildings usually regarded as extra hazardous in respect to fire shall be subject to such regulation in relation to their construction and management as the common council shall make with a view to the protection of any person or property from fire, or for the preservation of the health and safety of the inhabitants of said city; and to prevent them from becoming in any way nuisances;

Thirty-seventh, To determine and regulate the construction of division or partition fences and of partition walls; the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire-places and fire arches, ovens and the putting up of stove pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fires; to compel and regulate the cleaning of chimneys and flues and to fix the fees therefor; to compel and regulate the construction of ash houses or depositories; to guard against fire; to compel the owners of buildings to have scuttles in the roofs thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and inclosures to discover whether the same are in a dangerous or unwholesome state, and to cause such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires and to compel persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Partition walls,
fences, etc.

Thirty-eighth, To provide for taking a census of the inhabitants of said city whenever the city council may see fit; to erect and provide for the erection of all needful buildings and offices for the use of the city or its officers; and to control and regulate the same; to provide for printing and publishing matters required to be printed and published under this act or by order of the city council; to purchase and control land for cemetery purposes, either within or without the corporation limits of said city;

Census, etc.

Thirty-ninth, To provide for the protection and care of indigent persons and to prohibit and prevent all persons from bringing to the city, from any other place, any pauper or other person likely to become a charge upon said city;

Paupers.

Fortieth, To prevent and regulate the sale, giving away or keeping for sale of toy pistols and all other toy instruments and devices in which gunpowder or other explosive material is used, and to prohibit the use of slings and devices commonly called "bean flippers" and "blow guns;"

Toy pistols, etc.

Forty-first, To provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of said city, to protect the same from injury, and to protect the shade trees in the public streets, highways, alleys,

Shade trees, etc.

parks and public grounds of said city from injury and destruction;

Exclusive permits.

Forty-second, No exclusive permits or privileges shall be granted to any person or persons or to any corporation for any purpose whatever;

Authority to enact ordinances.

Forty-third, Further, said city council shall have authority to enact all ordinances and make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof and the protection of property therein, and to enforce the same by suitable fine, penalty, forfeiture, costs or imprisonment, or by fine or imprisonment, or by fine, imprisonment and costs.

Terms, etc., of licenses, etc.

SEC. 15. The city council may prescribe terms, conditions and time, not exceeding one year, upon which licenses may be granted and direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable. Every license shall be revoked by the council at pleasure; when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license; said council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade or do anything for or in respect to which a license shall be required by any ordinance or regulation of the said council or by this act. All sums received for licenses for any purpose by the city under its authority shall be paid into the city treasury to the credit of the general fund.

Authority as to railroads in the city.

SEC. 16. The said council of said city shall have authority to permit any railroad company to lay its track and operate its road with steam locomotive in and across the public streets or highways or alleys of said city, as said council may deem expedient, upon such terms and conditions and subject to such regulations to be observed by the company as the council may require, and to prohibit the laying of such track or the operating of any such railroad, except upon such terms and conditions.

Resignations.

SEC. 17. In case any member of the council whose term shall not expire within a year, shall tender his resignation to take effect at the time of the going in of the newly elected aldermen elected at any annual election, it shall be competent for the council to accept his resignation to take effect at such date, and to order the election of an alderman at the coming election to fill such prospective vacancy. A vacancy shall be deemed to have occurred in any elective office of the city or of the different wards, except the office of recorder, upon the happening of any of the events mentioned in compiler's section six hundred and seventeen of the compiled laws of the State of

Michigan, of one thousand eight hundred and seventy-one, as creating a vacancy. Any elective officer of the city or of its wards may resign his office by tendering his resignation to the city council. When a vacancy shall occur in any of said offices such vacancy shall, as soon as may be, be filled by appointment by the city council to be made at any regular or special meeting thereof. Vacancies in offices elected by the different wards shall be filled from electors of the ward in which they occur. Any person so appointed by the council shall hold his office until the next annual city election or until his successor is elected and qualified. In case any part of the original unexpired term of said office so filled by appointment extends after the time when officers elected at the annual city election next following the time when the vacancy occurs are to qualify, such unexpired term shall be filled at such election by the ward or city as the case may be. When a vacancy in any such office shall be filled by election or appointment, the person so appointed or elected shall give like security and be subject to like duties and responsibilities, and have the same powers and compensation as the officer in whose place he was appointed.

Filling of vacancies.

SEC. 18. The city council shall have full power to establish, construct, maintain, repair enlarge and discontinue within the highways, streets, alleys, public and private grounds of said city, such sewers, lateral sewers and drains as they may deem necessary, or which in the determination of the council may be deemed necessary for the preservation of the general health of the city; such sewers may be constructed of such form and material as the council may deem best. Said council shall have full power and authority to carry out and complete under the provisions of this act, any system or plan of sewerage hereafter to be adopted for the city of Hastings. Whenever the city council shall determine that it is necessary to take or appropriate any private property through or upon which to construct any sewer or drain, the same may be taken and appropriated as provided in this act for taking private property for public use. The expenses of constructing any sewer, lateral sewer, connecting sewer or drain shall be paid by special assessment upon the property adjacent thereto or benefited thereby in the manner in this act provided for levying and collecting special assessments, or in the discretion of the city council any portion of such costs and expenses may be paid by special assessment as aforesaid, and the balance from the funds of said city. The city council may direct and regulate the construction of sewers and drains for the purpose of more effectually draining all lots, cellars, yards, sinks, privies and cess-pools within the limits of said city whenever in their opinion the same shall be necessary. Such sewers and [drains] trains shall run through any of the streets or alleys adjoining or front of the premises through which sewers or drains shall be ordered constructed and the council may assess the whole or any part of the expenses thereof on such lots or premises benefited thereby. The said council may, when they deem it neces-

Power of council as to streets, etc.

Sewerage, etc.

Expenses, how paid, etc.

To regulate the construction of sewers, etc.

Expense of sewers to be assessed on property benefited.

Council to have supervision of private drains.

sary, direct the owner or occupant of any premises, lots and subdivisions thereof within said city, and contiguous to any public sewer or drain, to construct, alter or repair private drains and sewers from such premises, lots and subdivisions thereof, connecting with such public sewer or drain aforesaid, and in case any such owner or occupant shall neglect or refuse to construct, alter or repair such private drain or sewer as directed by said council, said council may cause the same to be done under the direction of some officer of the city and the cost and expense thereof may be assessed on such premises, lots or subdivisions thereof and collected as in this act provided for the collection of special assessments, or the same may be collected by suit in the name of the city of Hastings, against the person assessed in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money, labor and material furnished shall be sufficient. The city council shall have power to direct and regulate all house connections with any public sewer, and may provide by ordinance for the punishment of any persons violating such regulations or any other regulation or ordinance in relation to sewers or sewerage; any person or officer of the city, under the direction of the city council, shall have the right and are hereby authorized to inspect any premises, house or other building, for the purpose of examining the sewerage or sewer connections, or to repair, alter or construct any sewer or drain which any owner or occupant has failed or neglected to do, after having been so as aforesaid directed to do by said council. The said city council may provide for the levying and collecting of an annual tax for the purpose of constructing and keeping public sewers and drains in repair, not exceeding in any one year one-tenth of one per cent. The city council shall have power to pass such ordinances and make such rules and regulations in relation to sewers, sewerage, making sewer and house connections, and the property and material used in connection therewith as they may deem necessary for the proper use and protection thereof and to punish all persons guilty of violating the same; and said council shall also have power to license and regulate plumbers and other persons doing work in relation to constructing sewers and making sewer connections, and to prohibit others than those licensed from doing the same.

Shall regulate house connections, etc.

Ordinances relative to sewers, etc.

Ordinances relative to fires, etc.

SEC. 19. The city council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for the same purpose, to establish and maintain fire companies, to employ and appoint firemen, to make and establish rules and regulations for the government of the department, the employes firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the fire department, and prescribe the powers and

duties of such employés, firemen and officers. The city council may purchase and provide suitable fire-engines and such other apparatus and instruments and means for the use of the department as may be deemed necessary, and make all necessary provisions for a convenient and sufficient supply of water for the use of the department. The city council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus belonging to the fire department. The city council may prescribe by ordinance for the appointment of and shall appoint such number of fire-wardens as may be necessary, and for the examination by them from time to time of the stoves, furnaces and heating apparatus and devices in or near the dwellings, buildings, and structures within the city and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition. Every dwelling or structure which may be erected, placed, enlarged, repaired or kept in violation of any ordinance or regulation in regard to fire is hereby declared to be a nuisance and may be abated, or removed, by direction of the council. On the nomination of the organized and accepted fire companies in said city, the city council may appoint a chief engineer and such assistant [engineers] engineer as said council may deem necessary, and shall have such power and perform such duties in relation to their respective offices as said city council may direct. Said city council may also appoint such other officers of the department as they may deem proper and prescribe their duties. In case said organized fire companies shall fail to nominate a chief and assistant engineer as is in this section provided, the city council may appoint the same without nomination by said companies. The city council shall have power to establish a paid fire department and the officers and members thereof shall receive such compensation as said council may prescribe. The council shall have power to make such regulations in regard to such paid department as they may deem necessary and proper, including the power to appoint officers for such paid department without nomination from the firemen. The officers, firemen and employés of any fire department of said city shall be exempt from serving on juries or payment of poll-tax during their term of service. The city council may prescribe by ordinance, from time to time, limits or districts within said city within which wooden buildings or structures shall not be erected, placed, repaired or enlarged, and to direct the manner of constructing dwellings within such limits or districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

Engine houses,
etc.

Fire-wardens,
etc.

Chief engineer,
etc.

Paid fire department,
etc.

Fire limits.

SEC. 20. It shall be the duty of every fire company to keep in perfect repair the engines, hose and other implements used by said company; and upon any alarm of fire, or the breaking out of any fire within the city limits, such fire company shall forthwith assemble at the place of such fire with its engine and other implements, and be subject to the orders of the chief

Duty of fire
companies.

Duty of marshal
at fires.

engineer of the fire department; and it shall be the duty of each fire company to assemble once in each month, or as often as may be required by the common council, for the purpose of examining and working such engines and other implements, with a view to their perfect order and repair. Upon the breaking out of any fire within said city the marshal shall immediately repair to the place of such fire, and shall aid and assist as well in extinguishing said fires as in preventing any goods or property from being stolen or injured, and in protecting, removing and securing the same, and for this purpose, and as chief of police, he may require and command the assistance and co-operation of all bystanders; and in case any bystander shall wilfully neglect to comply with such requirement, he shall be punished in the manner provided by the ordinances or by-laws of said common council, who are hereby authorized to make such by-laws in relation thereto as they may deem necessary, not inconsistent with [this] his [charter] character.

Board of health,
duties of, etc.

SEC. 21. The mayor, recorder and city physician shall constitute a board of health in and for the city of Hastings and shall have such powers and perform such duties as are conferred upon and required of township boards of health by the general statutes of the State in regard to public health, now in force and which may be hereafter enacted.

Ordinances
relative to good
order, etc.

SEC. 22. And said common council shall have full power and authority, and it shall be their duty, to prescribe all such other by-laws and ordinances as they shall deem necessary for the safety, order and good government of said city, and to promote the prosperity and improve the condition of its people, not inconsistent with this act or with the constitution or laws of the United States or the State of Michigan; and may impose fines, forfeitures, penalties or imprisonment, and all persons offending against the ordinances or by-laws as aforesaid: *Provided*, That no ordinance or by-law shall impose a fine exceeding five hundred dollars, nor subject the offender to imprisonment in the common jail exceeding ninety days, or both such fine and imprisonment; and the expense of keeping such offenders in jail shall be paid by said city: *And provided further*, That no ordinance or by-law shall take effect until the same shall have been published at least two weeks in at least one weekly newspaper published in said city.

Proviso as to
limit of punish-
ment.

Proviso as to
publication of
ordinances.

Ordinances, etc.,
as evidence,
etc.

SEC. 23. All laws, by-laws, ordinances, regulations and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer to the same, either

First, From a record thereof kept by the recorder; or

Second, From a copy thereof certified by the recorder with the seal of the city affixed thereto; or

Third, From any volume of by-laws and ordinances purported to have been printed by authority of the common council, and such record, certificate, copy or printed volume shall be *prima facie* evidence of such laws, by-laws, ordinances, reg-

ulations and proceedings, without other proof of the enactment thereof, publishing or any other thing concerning the same.

SEC. 24. The sheriff, under sheriff and the general deputies of the sheriff of Barry county, the constables of the city of Hastings, the marshal, assistant marshal and policemen of said city shall have and are hereby vested with power and authority to serve or execute any process for a violation of any of the by-laws or ordinances of the common council of said city, or arising under this act, except as otherwise provided in this act.

Power to execute process, etc.

SEC. 25. The common council shall have the power in their discretion to pave, gravel, macadamize or plank any street, lane or alley, or repair the same; to construct, reconstruct or repair sidewalks and cross-walks; to construct and keep sewers in repair; to grade streets, lanes, alleys and public places; to fill up, level or drain places rendered unhealthy from the want thereof; to clean and keep any streets, lanes, sidewalks and cross-walks free from dirt, snow, ice or other obstruction at the expense of said city, by a majority of all the aldermen elect voting in favor of the same, and to provide for doing the same by by-law, resolution or ordinance.

Power to pave, etc., streets, etc.

SEC. 26. The common council shall have and are hereby invested with full power and authority to pave, gravel, macadamize or plank any street, lane or alley, to construct and reconstruct sidewalks, to construct sewers, to fill up, level or drain places rendered unhealthy from the want of the same, by special assessment of the cost and expense thereof upon the owners of the property abutting upon and adjoining said improvement, according and in proportion to the benefits of said improvements to said property, and for that purpose to designate and describe districts in which such improvements shall be made, and upon which such assessment shall be made, and to provide by ordinance the manner of doing the same, and for assessing the costs and expenses thereof: *Provided*, That no such improvement shall be made without the concurrent vote of a majority of all the aldermen elect. The amount of any such assessment shall forthwith be a debt to the city from the person to whom it was assessed and a lien upon the property assessed, and the lien for such amount, with all interest and charges thereon, shall continue until payment thereof. The common council may by ordinance authorize the treasurer of said city to collect such assessments, with the costs and charges of making the same, in the same manner and with the same powers and remedies as are or may be prescribed by law for the collection of city taxes. The common council may, in its discretion, require any such assessment to be paid or collected before the performance of the work for which such assessment was made.

Special assessments, etc.

Provides as to majority vote of aldermen.

SEC. 27. The common council shall have full power by the concurrent vote of all the aldermen elect, to lay out, establish, open, widen, extend, straighten close, vacate or abolish any highways, streets, avenues, lanes, alleys, public grounds or

Power to lay out, etc., streets, etc.

Private property
may be taken,
etc.

spaces in said city, and to lay through private property sewers and water pipes; also to open private roads and alleys in said city whenever the said common council shall deem the same to be a necessary public improvement. Private property may be taken for public use for the purposes above mentioned, but the necessity for making such improvement, and the necessity for taking such private property for the public use therefor, the just compensation to be made for the same and the damage arising to any person from the making of such improvement shall be ascertained by a jury of twelve freeholders residing in said city.

Proceedings for
taking private
property, etc.

SEC. 28. Whenever the common council shall deem [it] necessary for the use and benefit of the public to make any such improvement and to take private property therefor, said council shall, by resolution so declare, which resolution shall describe the property proposed to be taken, and designate the purpose for which it is to be used. Said council shall direct the city attorney to institute proceedings upon a day named therein, before some justice of the peace of said city to be therein designated, to carry out the object of such resolution.

City attorney to
prepare petition.

SEC. 29. Upon the passage of such resolution by the common council, it shall be the duty of the city attorney to prepare and file in the name of the city, upon the day fixed, with said justice, a petition signed in the name of the city by the city attorney in his official capacity, which shall allege the passage of said resolution, and have attached a copy thereof certified by the recorder. Said petition shall describe all the lots, tracts and parcels of private property proposed to be taken, and set forth the names of the owners, occupants, mortgagees, lessees and others interested in said lots, tracts and parcels respectively, so far as the same can be ascertained. Said petition shall set forth the improvement proposed to be made, and shall allege that the same is necessary for the public use, and that it is necessary to take the private property proposed to be taken for the public use therefor, and shall pray that a jury may be impaneled to determine whether it is necessary to take such private property for the public use therefor, and if so, to ascertain and determine the just compensation to be paid therefor, and to assess and apportion damages and compensation awarded to and upon all taxable property of said city.

What petition to
set forth.

Damages, etc.,
how paid.

SEC. 30. The damages and compensation awarded by the jury and assessed as above, together with all the costs and expenses of the proceedings shall be paid by the city, and raised by a general tax to be levied and collected according to the provisions of this charter. Upon receiving and filing said petition, it shall be the duty of the justice to issue a summons forthwith against the respondents named in said petition, and all other persons interested, stating the object of the petition, and commanding them in the name of the people of the State of Michigan, to appear before said justice, at a time and place in said city to be named therein, not less than ten and not exceeding thirty days from the date of the same to show cause

if there be any, why the prayer of said petition shall not be granted.

SEC. 31. Said summons shall be served by the marshal or any constable of said city, at least five days before the return day thereof; if the respondents can be found in said city, it shall be served by exhibiting to each of them the original and delivering a copy thereof; but if the respondents or any of them cannot be in said city, it shall be served by leaving a copy thereof at their respective residence with some person of suitable age and discretion; and in case the respondents, or any of them, shall have no place of residence in said city and shall not be found in said city, it shall be served by posting a copy of said summons on the premises, and before the return day of said summons a copy thereof shall be published in one or more newspapers published in said city for one week and on or before the return day of said summons affidavits showing due service and publication thereof shall be filed with said justice.

Service of summons, etc.

SEC. 32. If any person upon whom said summons should be served is a minor under the age of fourteen years, or an idiot, or a person of unsound mind, and resides in said city, such service shall be made upon his guardian, or if none, then on the person who has the care of or with whom such infant, idiot or person of unsound mind resides.

In case of minor, etc.

SEC. 33. In case it shall appear to said justice that any person to be affected by the proceedings is an infant, idiot, or of unsound mind and has no guardian, said justice shall appoint a special guardian to attend to the interests of such person in such proceedings, who shall receive such compensation from the city for such services as he may render, not exceeding ten dollars, on the certificate of said justice, as said justice shall deem fair and reasonable.

Justice to appoint special guardian.

SEC. 34. On the day and at the hour specified in said summons, or on some other day and hour to be appointed at that time by said justice, the said justice shall call the case, and shall enter the appearance of all parties who appear in answer to said summons, and the default and appearance of those who do not answer, and if no sufficient cause to the contrary is shown, shall make an order on his docket that a jury be impaneled to determine the necessity of making the improvement described in said petition and the taking of the private property therein described for public use therefor, and to fix, determine, apportion and assess the damages and compensation therefor as herein provided; and thereupon the marshal of said city shall attend before said justice and shall write down the names of twenty-four disinterested freeholders of and residing in said city, who are qualified to serve as jurors, and who shall be approved by said justice; said marshal having been first duly sworn for that purpose. Said justice shall then issue a *venire* directed to said marshal commanding him to summon the said twenty-four persons to be and appear before said justice to serve as jurors in said matter on some day to be named therein, at the specified hour, which day shall be not

Justice to impanel jury.

Manner of selecting jury.

Summoning jury.

less than three nor more than ten days after the issuing of said *venire*. The marshal shall serve said *venire* at least two days before the return day thereof, and make return in the same manner as in case of *venire* in civil cases before justices of the peace, and the persons thus summoned shall be bound to appear before said justice and serve until discharged, and said justice shall impose a fine upon any juror failing to attend or serve, not exceeding five dollars for each day's non-attendance or neglect to serve, to be imposed and collected with the costs in the same manner as for jurors' failure to attend or serve in civil causes before justices of the peace; but jurors may be exempted from serving for the same reasons for which jurors in [such] civil cases may be exempted or excused.

How jury to be drawn.

SEC. 35. The names of the jurors in attendance and who do not claim to be exempt or who are not excused from serving, shall then be written by said justice on separate slips of paper of equal size and appearance, as near as may be, and be deposited by him in a box having a lid or cover; he shall then shake said box so as thoroughly to mix said slips of paper or ballots and shall draw out impartially and openly so many slips or ballots containing names written thereon, one after another, as shall be sufficient to form a jury of twelve persons. In impaneling a jury the city shall be entitled to two and the respondents respectively to four peremptory challenges and to such challenges for cause as said justice shall allow.

Challenging jurors.

Marshal to summon talesmen.

SEC. 36. If, in consequence of jurors being exempted, excused or set aside, there shall not be in the box any ballots or a sufficient number of ballots from which to draw the jury, the marshal shall forthwith, under the order of the justice, summon such further number of freeholders of said city as said justice shall deem necessary, and may order them to be and appear before said justice forthwith, to serve as jurors, and the persons thus summoned shall be returned and be bound to attend before said justice, and serve and be competent to form the jury in the same manner and to the same effect as those first summoned.

Jury to be sworn.

SEC. 37. The first twelve persons who shall appear as their names are drawn and called by said justice, or who appear as talesmen, when all of the ballots have been drawn from the box, and who shall be approved by said justice, shall be the jury and they shall be sworn as follows: "You do solemnly swear or affirm that in the matter of the petition of the city of Hastings to, as the case may be, now pending before me, you will well and truly ascertain whether the same is a necessary public improvement, and if it is, whether it is necessary to take the lands described in said petition, or any part thereof, for public use for such improvement; and if you do determine that it is necessary, then that you will ascertain, determine and award the just compensation to be made to any person therefor, and apportion and assess the same upon all the taxable property of said city; and will faithfully and impartially perform and discharge all other duties that may devolve upon you

Form of oath.

in this matter, and unless discharged by me, a true verdict give, according to the law and the evidence, so help you God." They shall go to the place of the intended improvement in charge of the marshal, and upon, or as near as practicable to, any property proposed to be taken and described in said petition and shall then return to the office of said justice and hear the proof and allegations of the parties and the arguments of counsel. They shall be instructed by said justice as to their duties and the law of the case and shall then retire under the charge of the marshal, who shall first be duly sworn for that purpose, and they shall render their verdict in the same manner as on the trial of an ordinary civil case.

Jury to visit
place of intended
improvement.

SEC. 38. The jury shall determine in their verdict the public necessity for making the proposed improvement, and if they shall find such necessity they shall next determine whether it is necessary to take any or all of the lands described in said petition for the public use for such improvement; and in case they shall find that such necessity exists, they shall award to the owners of such property such compensation therefor as said jury may deem just. If any such private property taken shall be subject to a valid mortgage, lease or agreement and the taking thereof for such purpose will impair such mortgage, lease or agreement, the jury shall apportion and award to the mortgagee, [lessee] lease or person interested in such agreement such portion of the compensation allowed for such property as they shall deem just, and if there be any movable building or other movable property situated on any land taken, the jury may, at the written request of the owner, permit the same to be removed by the owner and allow him for the expense of the removal thereof, instead of damages for its value. Unless removed by the owner, as aforesaid, all buildings, fences and other fixtures taken by such proceedings shall become the property of the city and shall be sold at auction by the city treasurer after giving notice of such sale by posting the same in three public places and by publication in two weekly papers published in said city. The proceeds of such sale shall be applied toward the payment of the damages to be paid by the city. The damages for taking any land belonging to the estate of any deceased person shall be awarded to such estate and paid to the executor or administrator thereof, or if there be no such representative, or he cannot be found, such damages shall be deposited in the city treasury to the credit of such estate and shall be paid to the person entitled to receive the same.

What the jury
shall determine
etc.

Jury to award
compensation.

Building to
belong to city
unless removed
by owner.

SEC. 39. To assist the jury in arriving at the verdict, said justice may allow the jury when they retire, to take with them the petition filed in the case and maps showing the proposed improvements and the location and description of each and all parcels proposed to be taken, with the names of all parties interested in such property, and may also submit to them a blank verdict which may be as follows: "In the matter of the petition of the city of Hastings to acquire title to lands [of]

Form of verdict,
etc.

-----for the public use for-----
 we, the jury impaneled in the above matter, having given the same due consideration, do find and determine that the improvement proposed in said petition is necessary for the public use and benefit and that it is necessary to take for the public use therefor such of the lands described in said petition as are hereinafter specified, and we do determine and award as damages and just compensation therefor the amounts hereinafter set forth to the persons named:

Description of each parcel to be taken.	Names of owners and others interested to whom compensation is made.	Amount of compensation and damages.

Which said damages and compensation we do hereby assess upon all the taxable property of said city. We further find that it is not necessary to take the following described parcels for such public use, to wit:

In witness whereof we have hereunto set our hands."

In case of failure to agree, etc. SEC. 40. If such jury should be unable to agree upon a verdict or for any cause should fail to render a verdict, said justice shall upon the application of the city attorney, designate some day and hour when another jury may be impaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings after they are sworn, shall be had by them, and by and before said justice as provided for above after the first jury is sworn.

In case of death, etc., of juror. SEC. 41. If any juror after being sworn, shall die, or from sickness or any other cause be unable to discharge his duties as juror, said justice may draw another person to serve in his place, who shall be sworn and have the same qualifications, powers and duties as those already sworn.

Appeals to circuit court. SEC. 42. Any party to said proceedings, considering himself aggrieved by said judgment, may appeal therefrom to the circuit court for the county of Barry, or to any other court

having jurisdiction of appeals from justices' courts, or may remove the same by *certiorari* within the same time and in the same manner as from other judgments rendered by justices of the peace. Said justice shall make return to said appeal or *certiorari* within the same time and in the same manner as in other cases.

SEC. 43. Said circuit or other court shall hear, try and determine said appeal or *certiorari*, and may affirm, reverse or modify the judgments of said justice, but the same shall not be reversed for matter of form, nor for any errors except errors of law, and only in regard to the appellant or appellants, or the person or persons or party removing the same by *certiorari*. The court shall give judgment for reasonable costs and expenses, to be taxed in favor of the prevailing party, and in cases of affirmation the city of Hastings shall be allowed to apply the costs and expenses so taxed in its favor on and to be deducted from the damages and compensation, if any, to be paid to the party or parties so appealing or removing said proceeding by *certiorari*, and to have execution for the balance, if any there should be as in other cases.

Hearing of
appeals, etc.

SEC. 44. In case of the reversal of the judgment of the justice the common council, in behalf of the city, may by resolution elect to pay the damages and compensation claimed by said appellant or appellants, or by the party or parties removing said proceeding by *certiorari*; and if the judgment of said justice be affirmed by said court, such confirmation shall be final and conclusive as to all persons interested therein. The judgment of said justice shall be final, except as to the party or parties appealing therefrom or removing said [proceeding] proceedings by *certiorari*.

Confirmation of
judgment to be
final, etc.

SEC. 45. Within sixty days after final judgment the common council shall pay or tender to the respective persons entitled thereto, the several amounts of damages and compensation awarded to them as above provided for, to be paid by the common council, and in case any person shall refuse the same, be unknown or a non-resident of said city, or from any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case or elected to be paid by the common council in the treasury of the city to the credit of any person entitled thereto, and shall on demand pay the same over to any person competent and entitled to receive it.

Payment of
damages to be
made within
sixty days.

SEC. 46. Upon such payment, tender or deposit, the common council may enter upon, take possession of, and convert the private property found necessary to be taken by said verdict to the public use for the purposes for which it was to be taken. The city treasurer shall make on oath a certificate of his action in making such tender, payment or deposit and file the same with the recorder. Whenever such judgment shall become final it shall become the duty of the recorder to procure a certified copy of the docket of said justice and file the same in the recorder's office. Said recorder shall then record the certifi-

When council
may take pos-
session, etc.

cate of the treasurer and the certified copy of the docket at length in a book to be provided, used and known as the "book of street records," a certified copy of which record shall be deemed and considered evidence in all courts and places, of the matters therein contained, and of the regularity of all proceedings from the commencement thereof to and including the final judgment.

Compensation of jury,

SEC. 47. The common council shall pay such jury before the justice such compensation for their services as is paid to jurors in justices' courts, and they shall have the power to abandon or discontinue such proceedings at any time before final judgment.

In case of change of grade of street, etc., notice to be given, etc.

SEC. 48. In case the common council shall deem it necessary to alter or change the grade of any street, notice of the intention to make such change or alteration and of the time when action will be taken thereon, shall be given to the persons on the line of such street, in the same manner and for the same length of time as required in cases where the grounds of any person are required for public use, for any of the purposes in this act mentioned; and at the time at which it is proposed to take such action, the common council shall produce and exhibit a profile showing the contemplated change in the established grade of such street, and how much such change will cut down or fill up the same; and if any person owning property thereon shall appear before said common council and object to the contemplated change in the established grade of such street, and shall claim damages if such change is effected, said common council may treat with such persons for the amount of such damages; and if the parties do not agree therefor, it shall be lawful and necessary before any change or alteration is made in such grade to summon a jury to inquire into and assess the damages and recompense that ought to be paid to any person or persons who may so object to such alteration, in the same manner as herein provided in cases where the grounds of any person are taken for public use, and the same proceedings shall be thereon had as in those cases to ascertain the amount of such damages and to render judgment thereon; and all the sums so assessed shall be paid or tendered as provided in this section, before commencing work to make the contemplated change in such grade: *Provided*, That any party claiming damages shall have the right to remove such proceedings, by appeal or *certiorari*, to the circuit court for the county of Barry, upon giving within ten days, written notice of his or their intention to do so, to said recorder, or in the case of the absence of said claimant from the city within thirty days from the assessment aforesaid, after first giving bond in the penal sum of twice the amount of damages claimed, and not less than one hundred dollars with two sureties to be approved by said recorder, which bond shall be conditioned as required by law in case of appeal from justices' court; but no appeal, *certiorari*, *supersedeas*, injunction or any other process or proceeding from any court whatever, shall prevent the immediate

Council to treat with owner of property for damages.

In case of failure to agree, jury to be summoned.

Proviso.

making, laying out, opening, establishing or altering such street, lane, alley, square, market place or public park as aforesaid, or making any change or alteration in the established grade of any street.

SEC. 49. The supervisors are hereby authorized and required to perform the same duties in relation to the valuation of property and assessment of all taxes imposed by law, within their respective districts, for State, county, city and school purposes, that township supervisors are authorized and required to perform in similar cases under the general laws of this State; and for the collection of all taxes they shall issue their warrant to the city treasurer, in the same manner that a township supervisor [issues] issue his warrant to the township treasurer and they shall perform the like duties and receive like compensation in all respects not inconsistent with this act, as a township supervisor; they shall represent the city on the county board of supervisors, and shall be entitled to the same right, privileges and powers as any other member of the board of supervisors [for] of Barry county.

Duties of supervisors, etc.

SEC. 50. Each justice of the peace of said city shall file his official bond and oath in the office of the clerk of Barry county and shall have, in addition to the jurisdiction conferred on him by this act, the same jurisdiction, powers and duties conferred on justices of the peace in the townships: *Provided*, That all actions within the jurisdiction of justices of the peace may be commenced and prosecuted in said justices' court whenever the plaintiffs or defendants or one of the plaintiffs or defendants reside in said county of Barry.

Jurisdiction of justices of the peace, etc.

Provided.

SEC. 51. Constables elected under this act shall perform the duties, receive the compensation and be subject to the liabilities which are or may be by law provided for corresponding officers respectively, in the several townships of this State.

Duties, etc., of constables.

SEC. 52. Any justice of the peace of said city is hereby authorized and empowered to inquire of, hear, try and determine in a summary manner all offenses committed within said city limits, against any by-law or ordinance which said council, in accordance with the provisions of this act shall prescribe and to punish such offenders in the manner and to the extent prescribed by such ordinances or by-laws.

Justices of city to try offenses against ordinances, etc.

SEC. 53. In all prosecutions for a violation of any of the ordinances or by-laws passed by said council, upon complaint being made, on oath or in writing, before any justice of the peace in said city, setting forth therein the substance of the alleged offense, such justice shall issue a warrant, in the name of the people of the State of Michigan, for the apprehension of the offenders, directed, except as in the case mentioned in the next section, to the marshal or any constable of said city, which warrant may be served by either of the said officers anywhere within said county of Barry, and shall be returnable the same as similar process issued by justices of the peace; and upon bringing the person so charged before such justice, such offender shall plead to such complaint, and upon his refusal or neglect

Prosecutions to be in the name of the people, etc.

Pleading to complaint.

When execution
to issue.

When commit-
ment to issue.

City to have the
use of county
jail.

Provided.

Council author-
ized to provide
employment for
offenders, etc.

Warrants may be
directed to the
sheriff of any
county, etc., in
certain cases.

to plead thereto, such justice shall enter the plea of not guilty; and upon such complaint and plea a trial shall be had, and upon the conviction of such offender and the imposition of a fine, such justice shall forthwith issue an execution, directed to the marshal or any constable of said city commanding them to collect of the goods and chattels of such offender the amount of such fine with interest and costs, and for the want of such goods and chattels wherewith to satisfy the same, that he shall take the body of such offender and commit him to the common jail of said county, and the sheriff shall safely keep the person so committed until discharged by due course of law; but in case imprisonment alone shall be imposed on the person so convicted, such justice shall forthwith issue a commitment, directed as aforesaid, commanding the commitment of such convict until the expiration of the time for which he shall be sentenced to imprisonment, or until his discharge by due course of law; and in case where both fine and imprisonment are imposed upon the person so convicted, such justice shall forthwith issue the process necessary to carry such judgment into effect; and it shall be lawful to use the common jail of said county for the confinement of all persons sentenced to imprisonment under the city ordinances and by-laws, and all persons committed for a violation thereof, shall be kept and remain in the custody of the sheriff of said county, who shall keep them until lawfully discharged as in other cases: *Provided*, That said common council may remit such fine, wholly, or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

SEC. 54. The common council shall also have authority to provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture, costs, or for any offense under this act, or any ordinance of the common council, in the common jail of Barry county, or in any prison, at work or labor, either within or without said city, or upon the streets, lanes, alleys or public grounds of said city, or on any public work under the control of the common council; to allow any person so confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor.

SEC. 55. Whenever any person, charged with the violation of any ordinance or by-law of said city, for which violation such offender is liable to imprisonment, shall have escaped from said county of Barry or shall reside or be without the limits thereof, any justice of the peace of said city shall, upon complaint to him duly made, issue his warrant, in the name of the people of the State of Michigan, directed to the sheriff of any county of said State, commanding him forthwith to bring the body of the offender before such justice to be dealt with according to law; and every sheriff to whom such warrant shall be delivered for such service is hereby required to execute and return the same under the penalties which are by law incurred by sheriffs and other officers for refusing or neglecting to execute and return criminal process.

SEC. 56. In all trials before any justice of the peace, under the provisions of this act, of any person charged with violating any ordinance or by-law, the accused shall be entitled to a trial by a jury of six persons, and all proceedings for selecting and summoning such jury, and upon the trial of the cause shall conform as near as may be with the mode of procedure in similar cases before justices of the peace; and in all cases the right of appeal or *certiorari* from such justices' court to the circuit court of the county of Barry shall be allowed to the accused, and upon the same terms and conditions prescribed by law in similar cases.

Trial by jury,
etc.

SEC. 57. All fines recovered for any violation of the ordinances or by-laws shall be paid to the city treasurer for library purposes, by the officers or persons receiving the same immediately after the receipt thereof, and every person who shall neglect to pay the same as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Fines, to whom
paid, etc.

SEC. 58. In all suits or proceedings in which the corporation hereby created shall be interested, as a party or otherwise, no inhabitant of said city shall be incompetent as a juror by reason of such interest in the event of such proceedings or suit: *Provided*, Such interest be only such as he has in common with the people of said city.

Competency of
jurors, etc.

Proviso.

SEC. 59. The common council shall have power and authority to assess and collect from every male inhabitant of said city, over the age of twenty-one years, paupers, idiots, lunatics and persons exempted by the general laws of the State excepted, a list of whom shall be made and returned by the supervisor at the time of making his annual assessment, an annual capitation or poll-tax, not exceeding one dollar, and shall assess and levy a tax not exceeding one-tenth of one per cent upon all real or personal property in said city, and they may prescribe ordinances or by-laws for the collection of the same, and the money so collected shall constitute a general highway fund, and shall be expended under and by the direction of said common council in repairing the streets, alleys and bridges whenever and wherever within the city limits said common council shall deem just and proper.

Poll tax.

SEC. 60. The common council shall have power and authority to levy and collect taxes on real and personal property within said city limits, by them deemed necessary to defray the city expenses, not to exceed in any one year one-fourth of one per cent on the valuation thereof, exclusive of the expenses for the fire department, which shall not exceed in any one year one-fourth of one per cent in addition thereto: *Provided*, That all parcels of land of ten acres or more used exclusively for farming purposes, and not laid out into city lots, together with the farming implements and live stock owned and used in con-

Authority to levy
taxes, etc.

Proviso.

nection therewith, shall be exempt from the taxes provided by this section for the fire department purposes; also all taxes levied for sewer purposes; and the common council shall have full power and authority to make and maintain all necessary ordinances and by-laws for the collection of the same, and every assessment of a tax lawfully imposed by said common council on any lands, tenements or hereditaments shall be and remain a lien thereon, from the time of imposing such tax until the payment thereof, and the owners shall be liable on demand to pay the tax so levied.

Recorder to
issue warrant for
collection of tax
in certain cases,
etc.

SEC. 61. Whenever the treasurer shall be unable to collect any special city tax out of personal property, by reason of the absence from the city of the person liable for the same, or for any other sufficient cause, the recorder may, if directed by the common council, issue a warrant for the collection of such tax, which warrant shall be and remain in full force for the purpose of said collection so long as said common council shall direct; and said treasurer shall charge and collect interest on all such delinquent taxes, at the rate of ten per cent per annum from the time of returning the city tax roll until the time of [collection] collecting; and it shall be lawful for the said treasurer to sue, in the name of the city, the persons against whom any such personal property tax was assessed, after the return of the tax roll, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts, to enforce payment of such tax. Executions issued upon judgments obtained for any such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes, and the proceedings of any officer with such execution shall be the same in all respects as is now required by law; and the production of any assessment roll on the trial of any action brought for the recovery of a tax therein assessed, may, upon the proof that it is the original assessment roll, or the assessment of the city, with the warrant annexed, be read or used in evidence; and if it shall appear from said assessment that any tax therein is assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same; and the court before which said cause is pending shall render judgment against such defendant, unless he shall make it appear that he has paid such tax, and no stay of execution shall be allowed on any such judgment.

Treasurer may
sue for taxes.

Assessment roll
to be evidence of
legality.

Limit of taxa-
tion for streets,
etc.

SEC. 62. The common council shall also have full power and authority to assess and levy taxes upon real and personal property within the city limits, to the extent that said common council may deem necessary, not to exceed in any one year one-fourth of one per cent on the valuation for the purpose of being expended upon the bridges, streets, lanes, alleys and public grounds of said city, in opening, working upon, grading and repairing such streets, lanes, alleys, bridges and public grounds, and not to exceed one-tenth of one per cent upon all real and personal property within said city as a general high-

way fund; and the manner of levying and collecting such taxes, and the return of property for non-payment thereof, and the sale and redemption of such property shall be the same, as near as may be, as in the assessment, levy and collection of other city taxes; and the same shall be so expended by contract or otherwise, under the supervision of the common council of said city: *Provided*, That there shall be expended in each ward an amount equal to the amount of the highway tax in each said ward, unless by the consent of the aldermen elect in any ward, some portion thereof shall be taken from the fund belonging to said ward and transferred to the general fund provided for in section fifty-nine of this act: *Provided further*, That for the purpose of erecting any new bridge, the common council may authorize a special tax not exceeding one-fourth of one per cent in any one year, but no such tax shall be assessed, levied or collected unless such action of the common council shall first be submitted to the qualified voters of said city, and by them approved.

Limit of taxation for general highway fund.

Proviso.

Further proviso.

SEC. 63. The street commissioner shall, under the direction of the common council, superintend the making, grading, paving and planking, repairing and opening of all streets, lanes, alleys, bridges, sidewalks, drains and sewers within the limits of the city, in such manner as he may from time to time be required; and before entering upon the discharge of his duties, and within ten days after notice of his appointment, shall take and subscribe the official oath and give such securities for the faithful discharge of his duties, as the common council shall require and direct.

Street commissioner to superintend grading, etc., of streets, etc.

SEC. 64. The city attorney shall appear and conduct all suits, prosecutions and proceedings to which the city of Hastings is a party, in any court of law or equity, and in all other places whatsoever, and shall perform such duties as the common council shall from time to time require.

City attorney to conduct suits, etc.

SEC. 65. The common council is hereby authorized and required to perform the said duties within and for said city as are by law imposed upon the township board in the several townships of this State, in relation to schools, school funds, school taxes, county and State taxes, the support of the poor, and State, district and county elections except as herein otherwise provided. The mayor and recorder shall select and retain lists of jurors, in the manner and within the same time that the like duty is required of township officers in this State, and the supervisors, justices of the peace and all other city officers who are or may be required to perform the duties of township officers of this State, shall take the oath, give the bond, perform the like duties, receive the like compensation, and in the like manner as is provided for the corresponding township officer, except as herein otherwise provided, or as may be otherwise provided by the ordinances or by-laws of said corporation; the city of Hastings, hereby created, shall pay its just proportion to the existing indebtedness of the township of Hastings, to be determined by the township board of said township and the

Duty of council as to schools, etc.

Lists of jurors.

Oath and bond.

City to pay proportion of indebtedness, etc., of township, etc.

common council of said city, in the same manner that claims between townships are adjusted in similar cases; and said city shall likewise receive its just and fair proportion to be determined in the same manner of all property, money and effects of every kind, name and nature, whatsoever owned by or belonging to said township of Hastings, at the time this act takes effect.

Compensation of officers, etc.

SEC. 66. The recorder, city attorney and all other city officers shall receive for their services such compensation as the common council may deem proper and just, unless the same is fixed by the provisions of this act, but the mayor and aldermen shall receive from said city no compensation whatever for their services; and no member of said council, or officer of said corporation, either appointed or elected, shall be, either as principal or surety, or otherwise interested directly or indirectly in any contract or agreement the consideration whereof is payable either wholly or in part by the corporation hereby created.

Statement of receipts and expenditures to be published, etc.

SEC. 67. The common council shall at least once in every year, cause to be published, in at least one newspaper published in said city, a just and true account of all moneys received and expended by them in their corporate capacity during the year, or other period next preceding such publication, previous to which they shall audit and settle the accounts of the city treasurer and the accounts of all other officers or persons having claims against or accounts with said corporation, and shall make out a detailed statement of all receipts and expenditures, by items, which statements shall fully specify all the appropriations made by the common council, and the objects and purposes for which the same were made, and the amount of money expended under such appropriation, and the name of the party to whom the same was paid, the amount of taxes raised, the amount expended on each of the highways and streets, and all such information as shall be necessary to a full and perfect understanding of the financial condition of said corporation.

Moneys, how drawn from the treasury.

SEC. 68. No money shall be drawn from the treasury for any purpose unless it shall have been previously appropriated for that particular purpose; and every warrant or order directing or requiring the payment of the same shall specify the object and purpose of such payment, and shall be signed by the recorder and countersigned by the mayor of said city as hereinbefore provided.

Common council, who to constitute.

SEC. 69. The president, recorder and trustees of the village of Hastings shall be the common council, and shall respectively discharge all the duties of mayor, recorder and aldermen of the city of Hastings, and all other officers of said village shall be such officers of said city until others are elected under this act and duly qualified in their stead; and all ordinances, by-laws and other regulations of said village now in force and not inconsistent with this act or the constitution and by-laws of this State, shall be and remain in full force until altered or repealed by the common council of said city; and all the town-

Ordinances, by-laws, etc., to remain in force, etc.

ship officers of the township of Hastings, residing within the limits of said city, may continue to discharge their duties as such [township] officers until after the first Monday in April next, and until their successors are elected and qualified.

SEC. 70. All real and personal estate, rights, credits and effects whatsoever, and all and every right and interest therein belonging to the village of Hastings, and all demands due and to become due to the same, shall hereafter fully and absolutely belong to the corporation hereby created, saving, nevertheless, to each and all persons, his, her or their lawful rights therein; and to that end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created, every person who is or shall become possessed thereof shall deliver the same to the mayor, recorder or aldermen of the city of Hastings, with all moneys, deeds, evidences of debt, property, books or papers touching or concerning the same, when legally required thereto; and the said city may sue in its corporate name to recover any debt or demand due to said village; and the corporation hereby created shall be liable for and shall pay all just debts due from, or claims or demands against said village of Hastings, and all contracts made or agreements entered into by or with the corporate authorities of said village of Hastings, shall be and the same are hereby vested in and made binding upon the corporation hereby created.

City to succeed to rights, etc., of village.

City may sue for debts due village.

SEC. 71. A majority of all the aldermen elect, by yeas and nays, the same to be entered at length on the record, shall be necessary for the passage of any ordinance or resolution, or for the expenditure of any money for any purpose whatever, and for the appointment of any officer.

Vote of majority of aldermen elect necessary to authorize expenditure of money.

SEC. 72. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State in reference to schools, State, county and school taxes, the support of the poor, State, congressional, judicial, district and county elections, except as is otherwise provided by this act; the mayor and recorder shall select and return lists of grand and petit jurors for the circuit court for Barry county, unless it may be otherwise provided by law, in the same manner and within the same time that the same duty is or shall be required of township officers in this State and the supervisors, justices of the peace, recorder and other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

Duty of council with reference to taxes, etc.

SEC. 73. All the officers of said city who may be in office when this act shall take effect shall continue to exercise the duties of their respective offices until the term for which they

Present officers to hold until expiration of term, etc.

Manner of holding first city election.

were elected or appointed shall have expired. The first charter election to be held in said city after this act shall take effect, shall be held in precisely the same manner in all respects as if this act had not been passed, unless as otherwise herein provided, and like notice of holding such election shall be given, and shall be superintended by the same officers as is required by the acts hereby repealed.

Of suits against city, etc.

SEC. 74. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by exhibiting the original and leaving a true and certified copy thereof with the mayor or recorder of said city. All suits and proceedings instituted or commenced by or against the city of Hastings before this act shall take effect, shall be prosecuted to the end thereof, the same as though this act had not passed.

All rights, etc., of city to belong to new corporation, etc.

SEC. 75. All personal and real estate, franchises, rights, credits and effects whatsoever, and all and every right or interest therein belonging to the city of Hastings, under and by virtue of any former acts, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created and continued by this act, saving, nevertheless, to all and every person his or their just rights therein, and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created and continued, every person who is or shall be possessed thereof, shall deliver the same to the city of Hastings, with all moneys, deeds, evidences of debt, property, books, paper, and records touching or concerning the same when legally required so to do; and said city may bring suit in its corporate name, for the recovery of the same; and the corporation hereby created and continued shall be liable for and pay all just debts due from or claims or demands against the city of Hastings, as heretofore existing, and all contracts or agreements heretofore made or entered into by the corporate authorities of the city of Hastings shall be and the same are hereby made binding and obligatory upon the corporation hereby created and continued.

Public act.

SEC. 76. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever. The Legislature may, at any time, modify, alter, amend or repeal the same.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 352.]

AN ACT to enable the treasurer of the township of Benton in the county of Berrien to divide certain moneys in the special bridge fund of that township.

Authority to divide money, etc.

SECTION 1. *The People of the State of Michigan enact,* That the township treasurer of the township of Benton in the county of Berrien is hereby authorized and instructed to divide

the money now credited to the special bridge fund as follows: Fifty-two per cent thereof to the highway fund of said township, and forty-eight per cent thereof to the general fund of the city of Benton Harbor.

SEC. 2. The said money shall be paid and divided as described in section one of this act upon resolution of the township board of the said township of Benton, at any time after the act incorporating the city of Benton Harbor shall have taken effect, and the officers thereof shall have been elected and qualified, and the city treasurer of the said city of Benton Harbor shall credit the amount paid to him under the provisions of this act to the general fund.

How to be paid
and divided.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 353.]

AN ACT to amend an act entitled "An act to incorporate the city of Midland," approved February twenty-first, eighteen hundred and eighty-seven, being act number three hundred fifty-four of the local acts of the year eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact,* That section eleven of an act entitled "An act to incorporate the city of Midland," approved February twenty-first, eighteen hundred and eighty-seven, being act number three hundred fifty-four of the local acts of the year eighteen hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Section
amended.

SEC. 11. The said city of Midland shall, in all things not herein otherwise provided, be governed by and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities," being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-nine, eighteen hundred and seventy-three: *Provided*, That the mayor, aldermen and chief of the fire department of said city shall serve without compensation: *And provided*, That the sum raised for general tax for city purposes, exclusive of the sum raised for school and school purposes, shall not in any one year exceed one and one-quarter per cent on the assessed value of all the real and personal property in said city made taxable by law: *And provided further*, That chapter twenty-eight of said act, relating to education and the powers and duties of a board of education, shall not be applicable to the city of Midland, and that school districts numbers three and six of the township of Midland and the present limits thereof, shall be in no way affected by this act, but the same and each of them shall continue as heretofore, subject to and governed

To be governed
by general law.

Proviso.

Proviso as to
taxation.

Further proviso.

by the general statutes of this State relating to schools and school districts; and taxes for school purposes therein shall be assessed and collected in all respects in pursuance of existing statutes relating to fractional school districts, and the clerk and school inspectors of said city, and supervisors of the wards therein, shall, in relation to said school districts and in the assessment and collection of such taxes, perform the same duties required of like officers in townships.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 354.]

AN ACT to authorize the common council of the city of West Bay City to borrow money to rebuild and repair the bridge across the Saginaw river, within the Bay county bridge district, known as the Twenty-third street bridge.

Authority to
borrow money.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of West Bay City shall have the power and the said council is hereby authorized to raise by loan five thousand dollars to be used and applied by the Bay county bridge commission in the rebuilding and repairing the Twenty-third street bridge, a bridge across the Saginaw river, within the Bay county bridge district, and to secure such loan by the bonds of said city, payable at such times not less than ten years after date and with such rate of interest, not exceeding five *per centum* per annum, as said council shall determine, and said bonds to be sold at not less than par which moneys shall be paid into the West Bay City treasury, and by the city treasurer credited to the bridge commission fund, and paid by him on the order of said bridge commission.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 355.]

AN ACT to authorize the common council of the city of Bay City to borrow money to repair and rebuild the bridge across the Saginaw river within the Bay county bridge district known as the Twenty-third street district.

Authority to
borrow money.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Bay City shall have the power, and said common council is hereby authorized to raise by loan twenty-five thousand dollars to be applied by the Bay county bridge commission in rebuilding and repairing the Twenty-third street bridge across the Saginaw river within the

Bay county bridge district, and to secure such loan by the bonds of said city payable at such times, not less than ten years after date, and such bonds shall be sold at not less than par and with such rate of interest not to exceed five *centum* per annum, as the council shall determine. The moneys so raised shall be paid into the Bay City treasury and credited to the bridge commission fund, and paid by the city treasurer on the order of said bridge commission the same as if it had been collected under the act creating said commission.'

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 356.]

AN ACT to amend an act entitled, "An act to establish a bridge district in Bay county, and to provide for the appointment and election of commissioners, and for the construction, care [and] maintenance of bridges therein," approved January 28, 1889, being act number two hundred seventy-eight of the local acts of eighteen hundred eighty-nine.

SECTION 1. *The People of the State of Michigan enact,* Act amended.
That an act entitled "An act to establish a bridge district in Bay county, and to provide for the appointment and election of commissioners, and for the construction, care and maintenance of bridges therein," approved January twenty-eight, eighteen hundred eighty-nine, being act number two hundred seventy-eight, of the local acts of eighteen hundred eighty-nine, be and the same is hereby amended by adding three new sections thereto, to be numbered sections eight, nine and ten respectively, and to read as follows:

SEC. 8. Said bridge commission shall have power and it shall be its duty, to receive from the board of supervisors of Bay county, all moneys and bridge material on hand or that shall be hereafter raised and transferred to it for the purpose of constructing a bridge within the limits of said bridge district, across the Saginaw river from a point at the foot of Belinda street in Bay City to some suitable point on the westerly shore of the Saginaw river in West Bay City opposite said Belinda street. Power and duty of bridge commission, etc.

SEC. 9. The said bridge commission shall under the powers of said act as hereby amended, build and construct said bridge across the Saginaw river at the point provided in section eight thereof, and said commission after said bridge has been built shall repair and maintain the same, and continue to care for and maintain the three bridges heretofore constructed across the Saginaw river in said bridge district. And when said bridge at Belinda street shall be constructed, said bridge district shall erect, construct, care for and maintain all bridges hereafter built within said bridge district: *Provided*, Said Commission to build bridge, etc. *Proviso.*

bridge commission shall not have power to allow any street railway company to use said Belinda street bridge for street railway purposes.

Legal adviser,
etc.

SEC. 10. The prosecuting attorney for the county of Bay, by virtue of his office, shall be the legal adviser and counsel of said bridge commission, shall bring all suits brought by, and defend all suits brought against said commission, and shall counsel and advise said commission on all legal questions which come before the same. The salary of said prosecuting attorney as such, shall cover and include his compensation for the services performed under this act as amended.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 357.]

AN ACT to organize the townships of Hematite and Mansfield in the county of Iron, and to provide for the first election therein, and to detach certain territory from the township of Crystal Falls and to attach the same to said new townships, and to attach certain other territory to the township of Crystal Falls.

Township of
Hematite.

SECTION 1. *The People of the State of Michigan enact,* That all that part of Iron county designated and described as townships forty-five and forty-six north, of range thirty-three west, forty-five and forty-six north, of range thirty-four west, and sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of township forty-four north, of range thirty-three west, is hereby organized into a new township, to be called and known as the township of Hematite, and said sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of township forty-four north, of range thirty-three west, are hereby detached from the township of Crystal Falls. And that part of Iron county designated and described as townships forty-three, forty-four and forty-five north, of range thirty-one west, is hereby organized into a new township, to be called and known as the township of Mansfield, and townships forty-three and forty-four north, of range thirty-one west, are hereby detached from the township of Crystal Falls. And all that part of Iron county designated and described as townships forty-six north, of range thirty-two west, forty-five north, of range thirty-two west, forty-six north, of range thirty-one west, are hereby attached to the township of Crystal Falls.

Township of
Mansfield.

First township
meeting.

SEC. 2. The first township meeting of said township of Hematite shall be held at the office of the Hemlock River Iron Mining company in said township, and the first township meeting of the township of Mansfield shall be held at the office of the Mansfield Iron Mining company in said township on

the third Monday after the day on which this act takes effect.

SEC. 3. Within five days after this act takes effect the county clerk of Iron county shall designate three qualified electors of each of said townships to act as a board of registration and inspectors of election in each of said townships for said first township meetings, and such persons so designated shall constitute the board of registration and the inspectors of election of their respective townships for said first township [meeting] meetings, and in case of a vacancy or vacancies in said board of registration, or in said number of inspectors of said election, from absence or other cause, the electors present shall fill the vacancy or vacancies by *viva voce* vote.

Boards of registration and inspectors, etc.

SEC. 4. Said board of registration shall meet at the respective iron mining company's offices in each of said townships, on the Saturday next preceding the Monday upon which said first township meetings are held, in each of said new townships for the purpose of registering voters for the first election to be held in each of said townships, and shall register the names of all persons residing in their respective townships, presenting themselves for registration and having the qualifications of voters of annual township meetings, due notice of which shall be given by each of said boards of registration for each of said townships, in the manner and time as provided by the general laws of the State. Said new townships shall in all respects not herein otherwise provided, be governed by the general laws of this State governing townships.

Meeting of boards.

Qualifications of electors.

SEC. 5. The settlement between said townships of Crystal Falls, Hematite and Mansfield shall be made by the board of supervisors of Iron county as they shall deem fair and just, and all taxes heretofore levied upon the territory hereby detached from the township of Crystal Falls and attached to said townships of Hematite and Mansfield, shall be collected in the same manner as though this act had not passed.

Supervisors to make settlement between townships, etc.

SEC. 6. If said first township meetings shall not be held in one or both of said new townships at the time herein appointed, it shall be lawful to hold the same at such time and place in said townships as may be designated by the respective boards of inspectors of each of said townships, by giving at least ten days' notice thereof, by posting the same in four of the most public places in their respective townships, which notices the said boards of each of said new townships are hereby authorized and required to give.

Lawful to hold first meeting at other than time specified.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 358.]

AN ACT to establish permanent dock, safety, sanitary and building lines along the shores and margins and in the

waters and on the bed of Grand river, within the corporate limits of the city of Grand Rapids; and to provide for the building and maintaining of suitable masonry walls along such lines; and to authorize the city of Grand Rapids to acquire private property for such public use.

Establishment of
lines a public
necessity.

SECTION 1. *The People of the State of Michigan enact,* That the permanent establishment of dock, safety, sanitary and building lines along the shores and margin, and in the waters, and on the bed of Grand river, within the corporate limits of the city of Grand Rapids, is a public necessity.

Dock lines, etc.

SEC. 2. That along so much of said Grand river as lies between the north limits of said city, as established by the charter of said city approved March twenty-nine, eighteen hundred seventy-seven, and the north line of Fulton street bridge, a public bridge across said river in said city, such dock, safety, sanitary and building lines are hereby permanently established and fixed as follows, viz.: Commencing on the east

Route of lines.

side of said river at the west face of the east abutment of the said Fulton street bridge, so-called, in said city; running thence northerly on the dock lines of said river, heretofore established by the board of public works in and for said city, to the southwest corner of A. Hirth's stone foundation wall, adjoining the Grand Rapids & Indiana Railroad company's bridge across said Grand river, in said city; running thence northerly on a straight line to a point which is twenty-five feet west from the northwest corner of the Bissel Carpet Sweeper company's brick factory building in said city, thence northerly on a straight line, to the west face of the second pier from the east abutment of the public bridge across said Grand river at Bridge street, in said city; thence northerly on a straight line, to the west face of the east abutment of the public bridge across said Grand river at Sixth street in said city; thence northerly on a straight line, to the west side of the first pier from the east abutment of the public bridge across said Grand river at Leonard street in said city; thence northerly on a straight line, to a point on the north city line of said city as established by said act of the Legislature of the State of Michigan, approved March twenty-nine, eighteen hundred seventy-seven, which is sixty feet west of the said dock line heretofore established by the said board of public works in and for said city. And on the west side of Grand river commencing at the said north city limits of said city at a point which is six hundred feet west of the said dock lines as heretofore established by the said board of public works in and for said city on the east side of Grand river; running thence southerly, on a straight line, drawn parallel with the line above described on the east side of the river and of the uniform distance of five hundred and forty feet therefrom to the south side of said public bridge across said [river at] Sixth street, thence southerly in a straight line to the apex of the angle on the river side at the northeast corner of the present existing stone wall, recently

erected in the said river in said city south of and near the dam, by William T. Powers; thence southerly on the line of the said wall continued, to the south side of said Bridge street thence southerly, parallel to and of uniform distance from the line first above described on the east side of the said Grand river, to the north side of the said Fulton street bridge. Notwithstanding the lines above described on either side of the river cut off a portion of the dam, it is not intended hereby to give to the owners thereof or other parties in interest any right not now existing to alter the said dam or to reduce the space for the flow of the water of Grand river at the said dam, nor in any way to change or affect the rights of the owner of said dam and water power as they now exist; and in case of the required occupancy by the owners of the space between the abutments at either side of the said dam, and the dock line herein established, and for a distance of one hundred and fifty feet above and one hundred feet below said dam, on both sides of the river, it must be spanned in such manner as will allow the free passage of water under it and over said dam, and in accordance with the plans to be approved by the board of public works: *Provided, however,* That before anything in this section or in this act contained shall deprive the owner or owners of rights, estates or lands bordering on the waters of the said Grand river, within the limits of said city, from building out beyond the lines in this section established, or in this act provided to be established, it shall be necessary and it shall be the duty of the said city of Grand Rapids, and said city of Grand Rapids is hereby authorized and empowered to procure and obtain from every such owner of rights, estates or lands, within the limits of said city, bordering on said river, to be affected by the establishment and maintenance of such permanent line or lines, by purchase or written release, or by condemnation proceedings as hereinafter provided or otherwise, the indefeasible right to the said city to maintain such line or lines permanently, together with the right to cause to be constructed suitable stone walls on and along such part of the line or lines as are in this act hereafter more particularly described, and together with the right of constructing and maintaining by said city of public sewers, as hereinafter [provided] provide for.

Existing rights
not interfered
with, etc.

Provide as to
rights of owners,
etc.

SEC. 3. For the purpose of obtaining such right by and on the part of said city, and for the purpose of depriving the riparian owners and all other owners of rights, estates or land, of all rights or privileges which they may have to avail themselves of any advantage, privilege or right to build out into the river beyond such permanent dock, safety, sanitary and building lines herein established, or that may hereafter be established under and by virtue of the provisions of this act, the said city of Grand Rapids shall, as to all that portion of such lines situated between the said north line of said city and the said north line of said Fulton street bridge, within ninety days from and after the time this act takes effect, or as soon thereafter as practicable, institute and prosecute [proceedings] proceeding

Private property
may be taken,
etc.

for that purpose in the superior court of Grand Rapids for the purpose of taking such private property for the use or benefit of the public, within the limitation of the constitution of this State.

Proceedings commenced by resolution of council.

SEC. 4. Such proceedings shall be commenced and prosecuted by a resolution of the common council directing the city attorney to institute the necessary proceedings in behalf of the said city, in the said superior court, to carry out the objects of this act in regard to taking private property, describing it as near as may be, for such public improvement, and that said improvement is for the use or benefit of the public; and jurisdiction is hereby conferred upon the said superior court in all cases brought under this act.

City clerk to deliver copy of resolution to attorney.

Duty of attorney.

SEC. 5. The city clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution, certified under his hand and seal of said city, and it shall thereupon be the duty of such attorney to prepare and file, in the name of said city, in the said court, a petition signed by him in his official character and duly verified by him to which petition a certified copy of the resolution of the common council shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the common council and of the passage of said resolution. The said petition shall state, among other things, that it is made and filed as the commencement of judicial proceeding by the said city in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owner, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken or the rights to be condemned shall be given, and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the common council has declared such public improvement to be necessary, and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, and to condemn such rights as it is proposed to condemn for the use or benefit of the public; and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or matters, thing or things, and may pray for any other or further relief to which the city may be entitled within the objects and scope of this act.

What petition shall state, etc.

Necessity for taking private property.

Jury to be summoned.

Clerk to issue summons, etc.

SEC. 6. Upon receiving such petition it shall be the duty of the clerk of said court to issue a summons against the respondents named in such petition, stating briefly the object of said

petition, and commanding them and each of them in the name of the people of the State of Michigan to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted: *Provided, however,* That it shall not be necessary to include in such petition, or in said summons, the name or names of any owner or owners, occupant or occupants, or other person or persons to be affected by such proceedings, or whose rights are proposed to be taken under said [proceeding] proceedings, who shall have given to said city his, her or their written release of their rights or consent to such taking or condemnation, which said written release shall be filed in the office of the clerk of said city.

Proviso.

SEC. 7. Said summons shall be served by the sheriff, under sheriff or any deputy sheriff of the county of Kent, at least five days before the return day thereof, upon all of the respondents found within the said county, by exhibiting the original and delivering a copy to each of them respectively. If any respondent, who is a resident of the county, cannot be found the summons shall be served by leaving a copy thereof at his or her usual or last place of abode with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there be no guardian the said court may appoint some discreet and proper person of lawful age to be guardian of such person in such proceedings. Any such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. If it shall appear on the return day of the summons that any respondent cannot be found within the county, and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted, on a day to be named in the order not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance, and require, as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks, at least once in each week, in at least one newspaper published within said city, the last publication to be at least six days before the day fixed in the order for appearance. *Alias* and *pluries* summons may be issued, and the court may adjourn the proceedings from time to time as there shall be occasion and as in other civil cases. Service of such order for appearance in either mode prescribed, shall be

Of the service of summons, etc.

In case of minor, etc.

When respondent cannot be found.

Evidence of
service of
summons.

sufficient notice of the proceedings to bind the respondents and the property and rights represented by them. The return of the officer upon the summons and an affidavit of due service of or the publication of the order for appearance, if any, shall be filed in the clerk's office before a jury shall be impaneled, and shall be sufficient evidence of service on the respondents, and of the manner of service.

Jury to be im-
paneled, etc.

SEC. 8. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be impaneled in the cause; such jury shall be composed of twelve resident freeholders of the said city, and shall be selected and impaneled as follows: The sheriff, under sheriff or a deputy sheriff of the county shall on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, and the city attorney in person, or by assistant or deputy, and the respondents collectively shall each have the right to strike six names from the list of persons written down as aforesaid and subject to objection for cause; the twelve persons whose names are left on the list shall compose a jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct by a *venire* issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court; and in case any of the persons to be summoned cannot be found in the county, or, being summoned, do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications, may be summoned as jurors in the case by such sheriff, under sheriff or deputy sheriff. And the practice and proceedings under this act except as herein provided relative to impaneling, summoning and excusing jurors and talesmen, and imposing penalties and fines upon them for non-attendance, shall be the same as the practice and proceeding of the circuit courts of the State relative to petit jurors in civil cases in such courts, except the peremptory challenges shall not be allowed.

Manner of select-
ing and impanel-
ing jury.

Oath of jurors.

SEC. 9. The jurors so impaneled shall be sworn, or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use or benefit of the public the private property and rights which the petition describes and prays may be taken and condemned. And if you shall determine that it is necessary to make such public improvement, and to take said property and to condemn said rights, that then you ascertain, determine and award the just compensation to be made therefor; and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court, a true verdict give according to law and the evidence, so help you God, under the pains and penalties of perjury." The jury shall hear the proofs and

allegations of the parties, and, if so ordered by the court, shall go to the place of the intended improvement in the charge of an officer, and upon, or as near as practicable to any property proposed to be taken and examine the premises. They shall be instructed as to their duties and the law of the case by the judge of the court, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but such verdict shall be in writing and be signed by the foreman and by all the jurors.

Jury to hear
proofs, etc.

SEC. 10. The jury shall determine in their verdict the necessity for the proposed improvement, and for taking such private property, and condemning such private right for the use or benefit of the public for the proposed public improvement; and in case they shall find such necessity exists, they shall award to the owners of such property and others interested therein, such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement, or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

Jury to deter-
mine necessity,
award damages,
etc.

SEC. 11. To assist the jury in arriving at their verdict, the court may allow the jury when they retire to take with them the petition filed in the case, and a map, showing the location of the proposed improvement, and of each and all the parcels of property to be taken, and showing where the permanent dock, safety, sanitary and building lines are proposed to be established, and may also submit to them a blank verdict, which may be substantially as follows, after reciting the title of the court and cause:

Jury may take
petition, map,
etc., with them
when they retire.

Part 1. We, the undersigned, the jury duly impaneled in the above entitled matter, from the evidence in said matter and under the instructions of the said court therein, do find and determine that

Blank form of
verdict.

----- is
----- a necessary
public improvement, and that it is

necessary to take and use the private property described in the petition on file in this case, and to condemn the private rights in said petition described for the use and benefit of the public for the proposed public improvement, and for the permanent establishment of the dock, safety, sanitary and building lines in said petition described.

Part 2. And we have also in like manner ascertained, and do find and determine that the damages sustained, and the just compensation to be awarded, and which we do hereby accordingly award, for the taking of said private property, and for the condemning of said private rights for the use and benefit of the public for the said proposed public improvement, and to whom payable are as follows, to wit:

Description of each of the several parcels of private property to be taken.	Owners, occupants and others interested in each parcel.	Compensation.		To whom payable.
		Dollars.	Cents.	
	Owner,			To As owner, Dollars.
	Occupant,			To As occupant, Dollars.
	Mortgagee,			To As mortgagee, Dollars.
	Tenant,			To As tenant, Dollars.

Part 3. And we, the said jury, under the said evidence in said matter, and under said instructions from said court, do further find and determine that the said _____ is a necessary public improvement, and that it is necessary to take and use the said private property described in said petition, and above herein described, for the use and benefit of the public for the purpose of said proposed public improvement, viz.: _____ as above stated, and that we have awarded to each of the owners of said property and rights, and to all others interested therein respectively what we deem to be a just compensation for the said taking of said

private property and the condemnation of said private rights, and all of which is herein above stated and set forth. And that in cases where such private property was found subject to a valid mortgage, lease, agreement or other lien, estate or interest, we have apportioned and awarded to the parties in interest such portion of said compensation as we deem just; that the title, amount of said damages and compensation so found by us in the sum of-----dollars, the whole of which is so apportioned as above stated and set forth; and that we have awarded to each owner of said property, or of any interest therein, so to be taken, for his damages and compensation the respective sums stated above. The different descriptions of the property and the rights sought to be condemned, and the names of the owners, occupants and others interested therein, may be inserted in said blank verdict, under the direction of the court before it is submitted to the jury, or it may be done by the jury.

SEC. 12. The verdict of the jury may be set aside by the court and a new trial ordered as in civil suits at law in the circuit courts of this State. Amendments either in form or substance may be allowed in any paper, petition, process, record or proceeding, or in the description of the property proposed to be taken, or the name of any person whether contained in a resolution passed by the common council or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Verdict may be set aside, etc.

SEC. 13. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict of the jury, unless further time is allowed by the court; and if no such motion is made, or, being made, is overruled, the court shall enter an order or judgment confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the Supreme Court shall be final and conclusive as to all persons interested therein. And from thenceforth it shall not be lawful for any riparian proprietor upon said stream to build or erect any structure in or on, or in any manner to encroach upon, that portion of said river within the lines so established as aforesaid.

Motions for new trial, etc., to be made within 2 days, etc.

Unlawful to encroach within established lines.

SEC. 14. Any person whose property or rights may be taken or condemned in such proceedings, considering himself aggrieved, may appeal to the Supreme Court from the judgment of the court confirming the verdict of the jury, by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and by, within the same time, serving a copy thereof on the city attorney, and filing a bond in said court to be approved by the judge thereof, conditioned for the prosecution of said appeal to judgment, and the payment of all costs, damages and expenses that may be awarded against him in case the judgment of confirmation shall be affirmed. Such appeal shall be perfected within the same time and prosecuted as an appeal in chancery to the Supreme Court, as near as may be, subject to the provisions of this act.

Appeals to the supreme court, etc.

Clerk to transmit
certified copy,
etc., to Supreme
Court.

SEC. 15. In case of such appeal the clerk of the court, on payment of his legal fees and charges, shall transmit to the Supreme Court a certified copy of the necessary files, records and proceedings in the case, and the judge of the court shall, at the request of the appellant, settle a case according to the usual practice of said court, showing the material evidence and instructions given to the jury bearing upon any disputed points to which exception was taken, and the objections, rulings and exceptions in the case, all of which shall be returned by said clerk as part of the records, to the clerk of the Supreme Court.

When appeal
may be heard,
etc.

SEC. 16. The said appeal may be brought on for hearing at any term of the Supreme Court, and said court may affirm, modify, or for any substantial error, reverse the judgment, and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages and expenses awarded to the said city, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.

Duty of clerk
after confirma-
tion, etc.

SEC. 17. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or, if an appeal is taken, on the filing in the court below of a certified copy of the order of the Supreme Court affirming the judgment of confirmation, it shall be the duty of the clerk of the court to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the judgment, if any, of affirmance; and thereupon the proper and necessary proceedings in due course shall be taken for the payment by the city of the sum or sums awarded by the jury.

Payment to be
made within
three months,
etc.

SEC. 18. Within three months after the confirmation of the verdict of the jury, or after judgment of confirmation on appeal be affirmed, the common council shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken and rights condemned as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city treasurer to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion as ascertained and awarded by said verdict, and it shall be the duty of said treasurer to securely hold said money in the treasury for the purpose of paying such awards, and pay the same to the persons entitled thereto according to the verdict of the jury on demand, and not pay out the money for any other purpose whatever. The common council may provide the necessary amount by borrowing from the general or contingent fund and repay the same from money raised by taxation to pay the compensation awarded by the jury, when

Council may
borrow money to
pay compensa-
tion.

collected or otherwise as they may provide. Whenever the necessary sum is actually in the treasury for such purpose the said treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for the payment of the damages and compensation awarded in the case, giving the title of the case. He shall cause one of the certificates to be filed in the office of the clerk of the said court, and the other to be filed in the office of the city clerk; which certificates shall be *prima facie* evidence of the matters therein stated. Whenever the amount of such compensation is in the treasury, and thus secured to be paid, the dock, safety, sanitary and building lines established under and by virtue of such proceedings, shall become permanently fixed, and the said city of Grand Rapids shall have the power to cause to be constructed the masonry walls in this act provided for, and in the manner in this act provided for; and the said city shall also have the power to construct and maintain public sewers as in this act provided for and in the manner in this act provided for; and from thence and thenceforth it shall be absolutely unlawful for any person or persons to construct any dock, wharf, building or structure of any kind extending over and beyond said lines, or to fill out in said river or in any manner encroach upon said river beyond said lines so established and fixed by such proceedings, except as in this act and in the manner in this act especially provided. In case of resistance or refusal on the part of anyone to the common council, the board of public works of said city, their agents or servants, entering upon and taking possession of such private property for the use and purpose for which it was taken at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the said common council by the said city attorney may apply to the said superior court, and shall be entitled on making a sufficient showing to a writ of assistance to put them in possession of the property.

When dock, etc., lines are to become permanently fixed, etc.

When entitled to writ of assistance, etc.

SEC. 19. Officers, jurors and witnesses in any proceedings under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of this State.

Fees of officers, etc.

SEC. 20. All the expenses and costs of the proceedings to take and use private property under this act, incurred by the city, shall be paid out of the general fund of said city; and it shall be lawful for the judge of said superior court, in any case where he deems the circumstances justify it, to order the payment by the city to any respondent of such reasonable attorney fee as he may deem just, not exceeding twenty-five dollars, which may be taxed with the costs.

Expenses to be paid from general fund, etc.

SEC. 21. The common council shall have power to discontinue proceedings under this act after the rendition of the verdict of the jury, upon the payment by said city of the cost

Power of council, etc.

of said proceedings or they may direct the city attorney to move for a new trial or to arrest the proceedings, or to take an appeal to the Supreme Court; and in any such case the same proceedings shall be taken as are hereinbefore prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required, nor shall the city be required to pay the clerk of the said superior court any fees.

Prima facie
evidence, etc.

SEC. 22. It shall be *prima facie* evidence as to who are the owners of and persons interested in any property proposed to be taken or affected in the proceedings instituted under this act, if the register or deputy register of deeds of the said county shall testify in open court that he has examined the records and titles in his office and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by said register or deputy register of deeds, shall also be *prima facie* evidence as to ownership and persons having interest in any such property, and the extent and nature of such interest.

Right of city
after confirma-
tion, etc.

SEC. 23. After any such dock, safety, sanitary and building line shall have, as hereinbefore provided, been established by judgment of confirmation of the verdict of the jury, or by affirmation in the Supreme Court of such judgment, and the compensation, as hereinbefore provided, shall have been duly secured for the payment of the awards of the jury, or after such rights, as hereinbefore provided, shall have been secured by written release and consent, it shall nevertheless be lawful, and the said city shall have the right, subject to the provisions of section four, of article eighteen, of the constitution of this State, to erect and maintain bridges, public market places and public market bridges in, over and across the said river beyond the lines so established, such bridges, market places and market bridges to be supported by stone and iron piers, or upon iron columns and supports resting upon the river bed: *Provided*, That all such supporting piers and columns shall not create any greater obstruction to the waters of the river than the present piers of the present public bridges across the same in said city:

Proviso.

Further proviso.

And provided further, That all such supporting piers and columns shall be erected in parallel lines with the faces of the said piers of the said public bridges, and shall also be in line, as near as may be, with each other, and shall in no case be less than forty feet apart east and west and not less than that distance from the said walls and lines.

Owners to be
required to
erect wall, etc.

SEC. 24. On either side of all that portion of said river situate between a point one hundred feet below said dam, across said river in said city, and the said public bridge across said Fulton street, in said city, the common council of said city, after the city has acquired, in the manner hereinbefore provided in this act, the right to maintain said permanent lines, shall have the power and it shall be the duty of said city to require the owner or occupant of any lot, land or premises

adjoining and bordering on said river, between said points below said dam and said Fulton street bridge to construct, build and maintain a suitable stone wall on and along said dock, safety, sanitary and building lines, on both sides of the river, between said points; such walls to be constructed under the direction and supervision of the said board of public works and in accordance with the plans and specifications, to be by said board first prepared and approved. And said plans and specifications shall be prepared and approved by said board of public works and filed for public inspection in the office of the engineer of said board within six months after said city has acquired the right to maintain said permanent lines as aforesaid: *Provided, however,* No part of said wall shall be required to be built before July first, eighteen hundred ninety-two, nor shall a wall more than four feet in height be required to be built during that year, and thereafter said wall shall be raised in height as may be required by the board of public works, as they [shall] may deem necessary, until it shall be built to the height called for in said plans and specifications. Every such owner and occupant shall be required, at his own expense, to so construct such wall or walls, from time to time on said line in front of or adjoining his lands or premises, facing or bordering on the river, and to maintain the same in good order and repair, at his own expense. After said plans and specifications have been prepared, approved and filed, any owner or occupant may on his own volition, without waiting for any order or direction from the public authorities, construct the whole or any part of said wall in front of or adjoining his lands or premises in accordance with said plans and specifications.

Board of public works to prepare plans, etc.

Proviso.

Owners to build wall at own expense.

May proceed without order from authorities.

SEC. 25. Before any such owner or occupant shall be required to construct and maintain any such stone wall, he shall first have been notified in writing so to do, in accordance with the plans and specifications theretofore duly adopted by said board of public works, by a notice to be served in the manner hereinafter provided, at least thirty days before he shall be required to commence such construction.

Notice to be given owners, etc.

SEC. 26. Such notice may be written or printed, or partly written or partly printed and shall specify therein, as near as may be, the location of the portion of the wall to be constructed, the length thereof, and the height and thickness and slope thereof, and shall further specify as near as may be the material and manner and method in which the same is to be constructed, all of which shall be in accordance with the said plans and specifications adopted by said board on file to public inspection in the office of the engineer of said board, and the time within which such wall or portions is to be fully completed. Such notice, before the issuing thereof, shall be first approved of by the board of public works and signed by the president and countersigned by the clerk of said board, and shall be personally served upon such respective owners or occupants by the marshal or deputy marshal of said city within such time as the said board shall fix. If the premises

What notice shall specify, etc.

Marshal to serve notice on owners.

When notice to be posted on premises.

In case of refusal of owner city may build, etc.

Commissioners to make assessment, etc.

Right of appeal to common council, etc.

A lien upon property, etc.

be occupied, and the owner be a non-resident of the city, then said marshal may serve said notice by posting up the same in a conspicuous place on the premises; and in case the resident owner or occupant be absent from said premises, said notice may be served by leaving a copy of the same at his or her usual or last place of abode with some person of suitable age and discretion. If any such owner or occupant shall neglect or refuse to construct such wall or portions thereof within the time as the said board shall in such notice prescribe, it shall be lawful and it shall be the duty of the common council of said city to cause the same to be done under the direction and supervision of the said board of public works, and according to said plans and specifications, at the expense of the said city; an accurate account of the expense thereof shall be kept by the said board of public works and return made to the city clerk, which said account shall be certified by the engineer of said board to be correct, and filed in the office of the city clerk within ten days after said work shall be done. Said account so certified by said engineer shall contain a description of each parcel of real estate adjoining which said wall was built, and the expense thereof, and also the name of the owner or occupant of each parcel of said real estate, if known; if not known such fact shall be stated in said account. The expense to which any tenant or occupant may be thus subjected may be collected by him from the owner of the premises, unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or nature of the agreement under which he holds such premises.

SEC. 27. And it shall be lawful for the common council of said city, and it shall be their duty to direct, by resolution, that the board of review and equalization, who are by this act constituted commissioners, to make such assessment upon all owners or occupants of said abutting lands who shall have neglected or refused to construct such part of the wall or walls as directed, for the amount of the expenses which the city was necessarily put to in the building of such part of the wall or walls in front of such abutting parcels of lands on account of such default. And it shall be the duty of such commissioners to assess such amount or amounts upon such parcels of lands, but the same shall not be done until after notice to the owners or occupants, who shall have a right to be heard, and also the right to appeal to the common council. Such notice, assessments and proceedings shall be in accordance with and under the provisions of title six of the charter of the city of Grand Rapids, as near as may be, which relate to assessments for street and public improvements. After such assessments are thus made the amounts thereof shall then become a lien upon all such parcels of land; such liens or lien may be enforced by a sale of such lands under and in accordance with the provisions of title six of said charter relating to the sale of lands for the non-payment of assessments for street and public improvements, or by suit in equity, in the name of the city to be by it

begun and prosecuted to a final decree in said superior court, in accordance with the usual practice in chancery.

SEC. 28. After the said city shall have, in the manner hereinbefore provided, obtained the right to maintain such permanent lines, and simultaneous with the construction of such stone walls along such lines, it shall have the right, power and authority of ingress, egress and regress over the lands of the adjacent owners or occupants adjoining or bordering upon said lines, for the purpose of constructing and maintaining public sewers therein between the wall and the present banks of the river, such sewers to be constructed simultaneously, as near as may be, with the construction of such stone walls: *[Provided] provide, however,* That on the east side of said Grand river such power shall not extend north of the north line of Lyon street, a public street in said city: *And provided further,* That on the west side of said river such power shall not extend north of the south line of the Grand Rapids & Indiana railroad bridge across said river in said city. The ordering of the construction of the said sewers and the construction thereof shall be under the direction of the common council of said city and the board of public works thereof, in the same manner, as near as may be, as is now provided, or hereafter may be provided, for the construction of public sewers in said city, and after any such sewer or sewers shall have been constructed, the said city shall have all reasonable right of ingress, egress and regress over the premises of private parties through whose property such sewers run, for the purpose of keeping the same in suitable order and repair, and the said city shall also have the power and authority, at all times, to keep such river within the corporate limits of said city, and the river bed within the corporate limits of said city clean and unobstructed, for the purposes of promoting the safety and health of the said city and of the inhabitants thereof.

City to have right of ingress and egress, etc.

Provido.

Further proviso.

Construction of sewers to be under direction of council, etc.

SEC. 29. Power and authority is hereby conferred on the board of public works of the said city of Grand Rapids to establish dock, safety, sanitary and building lines on the shores and margin of Grand river, within the corporate limits thereof, and in the waters and on the bed of said river along said shores and margin, southward from the said north line of said Fulton street bridge to the south boundaries of the city as they now are or hereafter may be established, and to build or cause to be built stone walls thereon under and in accordance with the provisions of this act, and north from the north limits of said city, as established by said act of March twenty-nine, eighteen hundred seventy-seven, northward to the north limits of said city, as they hereafter may be established. Which said future lines when established, either north of the lines specifically fixed in this act or south of the lines specifically fixed in this act, shall be parallel as near as may be: *Provided, however,* That before said board of public works shall establish such future line or lines either north or south of the lines fixed in this act, they shall give public notice thereof by publication of their

Board of public works may establish future dock lines, etc.

Provido.

intention so to do in at least three of the daily papers of said city, for a period of at least thirty days prior to their establishment of any such line or lines. And all parties interested in the establishment of any such future line or lines shall have a reasonable opportunity to be heard before said board prior to the adoption thereof by said board: *And provided further,*

Further proviso. That before such future line or lines shall become permanently established, proceedings shall be taken, in the manner in this act provided for, for the taking of the private property necessitated by the establishment of such lines, and the condemning of the private rights that would necessarily be condemned in the establishment of such lines. And after such proceedings shall have been had, in the manner in this act provided for, such lines shall become permanently fixed and established as the dock, safety, sanitary and building lines, north or south, as the case may be, of the lines specifically fixed by this act.

Council to enforce powers, etc., by ordinance, etc.

SEC. 30. The common council of the said city is hereby authorized and empowered to enforce the powers hereby granted, relating to the establishment of dock, safety, sanitary and building lines, by ordinances duly enacted in that regard, and may impose appropriate penalties for that purpose within the limits prescribed by the charter of said city, or the provisions of this act, or the ordinances and regulations of the said common council and said board of public works in relation thereto, may be enforced at the suit of said city by a bill in equity in the said superior court of Grand Rapids.

Repealing clause.

Proviso.

SEC. 31. All acts or parts of acts so far as the same are inconsistent with the provisions of this act, are hereby repealed; *Provided, however,* That nothing in this act contained shall be construed to in any manner effect or impair a certain action, to wit: an action in chancery now pending in the Supreme Court of this State, wherein the said city of Grand Rapids is complainant and William T. Powers is defendant, which said suit in equity was brought by said city against said Powers under the provisions of section one, of title six of the charter of said city as amended March twenty-fifth, eighteen hundred and eighty-five.

This act is ordered to take immediate effect.

Approved June 12, 1891.

[No. 359.]

AN ACT to alter the boundary of and detach certain lands from union school district of the city of Corunna.

Territory detached.

SECTION 1. *The People of the State of Michigan enact,* That the following described lands and territory belonging to and in union school district of the city of Corunna situated outside of the limits of the city of Corunna, being in the township of Caledonia, in Shiawassee county, Michigan, to wit:

Southeast quarter of section thirty-two, west half of southwest quarter of section twenty-nine, west half of northwest quarter of section twenty-nine, west half of southwest quarter of section thirty-four, north ten acres of east half of southwest quarter of section thirty-four, south half of northwest quarter of section thirty-four, south half of northeast quarter of section thirty-four, township, county and State aforesaid, be and the same are hereby detached from said union school district of the city of Corunna; and such detached territory is hereby placed under the control of the board of school inspectors of the township of Caledonia aforesaid, and said board of school inspectors shall form new school districts in such detached territory, or attach such portion thereof to other adjoining districts in said township as shall be for the best interests of those concerned.

To be under control of school inspectors of township of Caledonia, etc.

This act is ordered to take immediate effect.

Approved June 16, 1891.

[No. 360.]

AN ACT to amend section one of act number two hundred eighty-nine of the local acts of eighteen hundred sixty-seven, entitled "An act to incorporate the village of Lyons," approved March one, eighteen hundred sixty-seven.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number two hundred eighty-nine of the local acts of eighteen hundred sixty-seven, entitled "An act to incorporate the village of Lyons," approved March one, eighteen hundred sixty-seven, be amended so as to read as follows:

Section amended.

SECTION 1. *The People of the State of Michigan enact,* That all that tract of country situated in the county of Ionia and State of Michigan, being in town seven north, of range five west, and town seven north, of range six west, and described as follows, namely: Beginning at a point sixty rods north of the southwest corner of section nineteen, town seven north, of range five west; thence east one hundred and sixty rods, thence north to the north bank of Grand river; thence easterly along the north bank of Grand river, to a point eighty rods east of the east line of section nineteen; thence north to a point eighty rods north of the section line between sections seventeen and twenty, town seven north, range five west; thence west to the south bank of Grand river; thence westerly along the south bank of Grand river to the west line of land formerly owned by George W. VanAuken; thence southerly along the said west line of the land formerly owned by George W. Van Auken to the section line between sections eighteen and nineteen, town seven north, of range five west; thence

Territory incorporated;

Name.

west to a point forty rods west of the town line between town seven north, range five west, and town seven north, range six west; thence south to the quarter line running east and west through the center of section twenty-four in town seven north, of range six west, thence west on said quarter line forty rods; thence south to the Detroit, Lansing & Northern railroad track, thence southeasterly along said track to a point which shall be sixty rods north of the south line of section twenty-four, town seven north, of range six west; thence east to the place of beginning, be and the same is hereby constituted a village corporate by the name of the village of Lyons.

This act is ordered to take immediate effect.

Approved June 17, 1891.

[No. 361.]

AN ACT to authorize and empower the council of the village of Red Jacket, in the county of Houghton, to borrow money for the purpose of building and constructing a system of sewerage in [the] said village of Red Jacket and issue the bonds of said village therefor.

Authority to borrow money.

SECTION 1. *The People of the State of Michigan enact,* That the village council of the village of Red Jacket, in the county of Houghton, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor, to an amount not exceeding fifty thousand dollars, which sum shall be expended in the building and construction of a system of sewerage in said village: *Provided,* That the consent of a majority of the qualified electors of said village, who are present and voting at an annual election or a special election called for that purpose, shall first be obtained.

Proviso as to consent of electors.

Notice of election, etc.

SEC. 2. Before any loan provided for in this act can be voted for at any election, a public notice shall be given by order of the council and signed by the clerk of said village, by posting the same in five public places in said village at least ten days previous to said election, and by publishing the same in a newspaper published in said village for at least two successive weeks before said election, and said notice shall state that the electors will be called upon to vote upon such loan, and the amount thereof.

Ballots.

SEC. 3. The vote on any loan under the provisions of this act shall be by ballot, which shall have written or printed thereon the words "for the loan" or "against the loan," and be deposited in a separate box labeled "village loan;" and other proceedings had therein shall be the same as provided for in section three of chapter eighty-one of Howell's Annotated Statutes, and the acts amendatory thereof.

SEC. 4. If such loan shall be authorized by a majority of Bonds, etc. such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and not exceeding the amount mentioned in the notice provided for in section two of this act, and payable at such times, with such rates of interest, not exceeding seven *per centum* per annum, as the council of said village shall direct, and shall be signed by the president and countersigned by the clerk and sealed with the corporate seal of said village, and negotiated by or under the direction of said council; and the money arising therefrom shall be appropriated in such a manner as said council shall determine, for the purpose aforesaid, and the council shall have power, and it shall be their duty, to raise by tax upon taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved June 17, 1891.

[No. 362.]

AN ACT to authorize and empower the city of St. Louis, in the county of Gratiot to borrow money for the purpose of meeting the current expenses of the city for the year one thousand eight hundred and ninety-one.

SECTION 1. *The People of the State of Michigan enact,* Authority to borrow money. That for the purpose of meeting the current expenses of the city of St. Louis for the year eighteen hundred ninety-one, and in anticipation of the tax to be levied in said year for such purposes under the general law of the State governing cities, the common council of said city shall have power to Limit of loan. borrow upon the best terms it can make a sum of money not exceeding the sum of three thousand dollars, upon the credit of the city of St. Louis, and shall have authority to issue Bonds. bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall be denominated "bonds to meet the current expenses of the city of St. Louis, for the year eighteen hundred ninety-one," and shall bear interest at a rate not exceeding eight per Limit of interest. cent per annum.

SEC. 2. The clerk of said city shall keep an accurate register of all such bonds issued, showing the number, date and amount of said bonds and to whom issued, and the money raised by such bonds shall be placed in the treasury of said city and charged to the contingent and highway fund, as follows: Two-thirds of the sum so raised to the contingent fund and one-third to the highway fund, and the moneys so raised Clerk to keep register of bonds, etc.

shall be paid out only on orders properly drawn on said respective funds.

This act is ordered to take immediate effect.

Approved June 18, 1891.

[No. 363.]

AN ACT to authorize the village of Fremont, Newaygo county, to borrow money for the purpose of putting in and constructing sewers, drains and water-courses in said village and to issue bonds for the payment of the same.

Authority to
borrow money.

Proviso as to
two-thirds rate.

Bonds, etc.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the village of Fremont shall be and is authorized and empowered to borrow money on the faith and credit of said village and issue bonds therefor to an amount not exceeding five thousand dollars which shall be expended by putting in and constructing sewers, drains and water-courses in the village of Fremont: *Provided,* That two-thirds of the qualified electors of said village, at an election to be called in compliance with and in conformity to act number sixty-two of the session laws of one thousand eight hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and the acts amendatory and supplementary thereto, shall vote in favor of such loan in the manner specified in said act and not otherwise.

SEC. 2. If such loan shall be authorized by a two-thirds vote of such electors voting at such election, said bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times with such rates of interest not exceeding six per cent per annum as the common council shall direct and shall be duly signed by the president and clerk of said village and sealed with the corporate seal of said village, and negotiated by and under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power and it shall be their duty to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved June 19, 1891.

[No. 364.]

AN ACT to amend sections number two, three, five, ten, sixteen, twenty-two, thirty-two, thirty-three, thirty-five and thirty-six, and to repeal sections thirty-seven, thirty-eight and thirty-nine of an act entitled, "An act to incorporate the city of Niles," approved February twelfth, eighteen hundred and fifty-nine, and the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact,* Sections amended.
That sections number two, three, five, ten, sixteen, twenty-two, thirty-two, thirty-three, thirty-five and thirty-six of an act entitled "An act to incorporate the city of Niles," approved February twelfth, eighteen hundred and fifty-nine, and the several acts amendatory thereof, be respectively amended so as to read as follows:

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic to be known and distinguished by the name and title of city of Niles, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all other places whatever, and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, conveying and disposing of any real and personal estate for said city. Body corporate. Name.

SEC. 3. The said city shall be divided into four wards as follows, to wit: The first ward shall embrace all that portion of the city lying north of Sycamore street and east of the St. Joseph river; the second ward shall embrace all that portion of the city lying between Sycamore street and Broadway, and east of the St. Joseph river; the third ward shall embrace all that portion of the city south of Broadway and east of the St. Joseph river; and the fourth ward shall embrace all that portion of the city lying west of the St. Joseph river: *Provided,* That whenever a street or river is mentioned in this act as a boundary or division line the center of said street or river shall be deemed to be the said line. Wards. First ward. Second ward. Third ward. Fourth ward. Provide.

SEC. 5. There shall be elected at the same time one supervisor for the first and fourth wards and one for the second and third wards, each of whom shall hold his office for the term of one year, and in each of said wards one alderman who shall hold his office for the term of two years, and one constable who shall hold his office for the term of one year and until their successors shall be elected and qualified, and said common council shall meet at such times as they shall determine and at such other times as the mayor, or in case of his sickness or absence, the recorder may appoint, and the common council shall have power to impose, levy and collect such fines as they may deem proper, for the non-attendance of the mem- Supervisors. Ward officers, terms, etc. Meetings of council, etc.

Duty of mayor.

President
pro tem.

Veto by mayor.

Proviso.

Who to consti-
tute council.

Quorum.

Power and
authority of
council.

May make by-
laws, issue
license, etc.

May regulate
setting of posts,
trees, etc.

bers and officers thereof at such meetings, and also to require the attendance of any officers of said city, and to impose fines for non-attendance. It shall be the duty of the mayor to preside at all meetings of the common council, and it shall also be the duty of the recorder to attend all such meetings and keep a fair and accurate report of their proceedings which shall be published in one or more papers published in said city. In case the mayor shall be absent, the common council may appoint one of their number to preside at such meeting, and in case of the absence of the recorder, they may appoint one of their own number as recorder *pro tempore*. In case the mayor shall disapprove of any action taken by the common council, such action shall be null and void, unless affirmed by the vote of two-thirds of the members elect of the common council: *Provided*, That the mayor shall express such disapproval by filing with the recorder before the next regular meeting of the common council, his objections in writing to the proposed action.

SEC. 10. The mayor, recorder and aldermen, when assembled together and duly organized, shall constitute the common council of the city of Niles, and a majority of the whole shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time.

SEC. 16. The common council shall have full power and authority to construct, repair and preserve sewers, drains and reservoirs, and to provide for supplying such reservoirs with water, to cause bridges to be built and repaired, and make by-laws and ordinances to regulate the weighing and sale of hay, wood and other commodities brought into the city for the purpose of sale in the streets or public grounds, and also for the establishment and regulation of market houses and places, to regulate the powers, duties and compensation of the officers of said city, subject to the restrictions contained in this act, relative to the calling of meetings of the electors of the city, and also to provide for taking a census of the inhabitants of said city. The common council shall also have power to make by-laws and ordinances, relative to regulating and licensing inn-keepers, common victualers, auctioneers, gift enterprises, pawnbrokers, hucksters, hawkers and peddlers, and relative to saloons, billiard tables and other tables kept for hire, and to wagons, carts, drays and other vehicles kept for the transportation of persons or property for hire; relative to caravans, shows, exhibitions, concerts or lectures, gardens, parks, galleries, and other places where money or other consideration is demanded or received for admission, and to prescribe the amount of such licenses and to provide for the collection thereof, and to prescribe penalties for the violation of all by-laws and ordinances of the city, and to provide for the collection and disposition of all fines and penalties which may be incurred for a violation thereof; they may also regulate the setting of awning and other posts and shade trees in the streets

and other public places in said city; to cause pavements, sidewalks and gutters to be constructed and repaired when they shall deem necessary and proper, to cause the expense of constructing or repairing said pavements, sidewalks or gutters to be paid for out of the public funds or to be assessed on the lots or premises in front of which such pavements, sidewalks or gutters may be constructed or repaired, such assessments to be made and enforced in the same manner as other city taxes, and may provide all needful by-laws and ordinances for the collection of such assessments, and of the expenses of collecting the same, by a sale of the premises so assessed or otherwise. They may also fix and establish the grades of all streets and alleys from time to time and alter the same, and establish the lines upon which buildings may be erected and beyond which such buildings shall not extend. They shall have power to provide for and change the location and grade of street crossings of any railroad track, and to compel any railroad company to raise or lower their railroad track to conform to street grades which may be established by the city from time to time, and to construct street crossings in such manner and with such protection to persons crossing thereat, as the common council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city, but such speed shall not be required to be less than four miles per hour, and to impose a fine of not more than fifty dollars upon any railroad company, engineer or conductor violating any ordinance regulating the speed of railroad trains, and may make all such other by-laws and ordinances as they may deem proper and necessary for the safety, order and good government of said city, and to promote the prosperity and improve the condition of the inhabitants thereof, not inconsistent with the laws and constitution of this State or of the United States, and to impose fines, forfeitures and penalties on all persons offending against the by-laws and ordinances made as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail or city prison exceeding ninety days: *And provided further*, That no by-law or ordinance shall be of any effect until the same shall have been published for two successive weeks, at least once in each week, in some newspaper published in said city.

May establish street grades, etc.

Power to fix grade of railroad crossings in city.

May regulate speed of trains in city.

Proviso.

Further proviso.

SEC. 22. The supervisors are hereby authorized and required to perform the same duties in their respective wards that the supervisors of townships under the general laws of the State are required to perform in relation to the assessing of property and levying taxes for State, county and school purposes: *Provided*, That the said supervisors shall have the power and it shall be their duty, in making such assessment, to discriminate

Duty of supervisors.

Proviso.

between those portions of the city built upon or laid out into lots, and those of a rural or agricultural character, so as not to impose upon lands used exclusively for farming purposes those expenses which belong exclusively to the built portion of the city; and all lands within such rural districts, used exclusively for the purpose of cultivation or a meadow or woodland, shall be assessed as farm land at their cash value, and shall issue their warrants to the treasurer of said city for the collection of such taxes, in the same manner as the supervisors of townships issue warrants to the treasurers of townships for the collection thereof, and for such services they shall receive the same fees as other supervisors. They shall also represent the city in the board of supervisors of the county of Berrien, and shall be entitled to all the rights, privileges, and powers of other members of said board of supervisors. Whenever the assessment rolls for any year are completed, each supervisor shall proceed to make from the assessment roll for his district, a full and complete copy to be used in the levy and collection of taxes for city purposes, which copies, when so made, shall be deemed the city assessment rolls for that year.

Power to levy and collect taxes.

Limit of taxation.

May borrow money, etc.

Additional tax, etc., may be authorized by vote of people, etc.

Notice to be published.

Freeholders only to vote.

Bonds.

SEC. 32. The common council shall have power and authority to levy and collect such amount of taxes on all real and personal property within the limits of said city as they may deem necessary to defray the expenses thereof, not to exceed one and one-half per cent on the valuation thereof, exclusive of the cost of collecting the same, in any one year, and shall have power and authority at any time previous to the collection of the city tax for any year, to borrow a sum not exceeding one-third of the amount of taxes levied for city purposes that year and to pledge the faith and credit of the city therefor; but they shall have no power or authority to levy, assess or collect any additional tax the same year, nor to contract debts, incur liabilities or make expenditures in any one year which shall exceed the revenue for the same year, unless first authorized so to do by a majority vote of the freeholders of said city, at a public meeting thereof, called and conducted as hereinafter provided. Such meeting may be called by the common council by a resolution, appointing a time and place in said city for holding the same, and setting forth the purpose of the proposed expenditure, the amount proposed to be raised, and whether by tax or by loan. Such resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city at least fourteen days before the meeting at which the vote is to be taken. The mayor of the city, or in his absence, the recorder, shall preside at such meeting, and none but freeholders of the city shall be allowed to vote. Whenever authorized by a majority vote of a freeholders' meeting called and conducted as aforesaid, it shall be lawful for the common council to levy, assess and collect such additional tax, or to borrow on the faith and credit of said city, such sums of money as may be determined at such meeting, and for that purpose to issue the

bonds of the city, signed by the mayor and countersigned by the recorder in such form as the common council may direct, and payable at such time and bearing such interest, not exceeding the rate of seven per cent per annum, as the common council may determine. Such bonds, when authorized and executed as aforesaid, may be sold by direction of the common council but not below their par value: *Provided*, That not more than two such meetings shall be called in any one year, the second of which shall be called only by a vote of three-fourths of the members elect of the common council.

Proviso.

SEC. 33. It shall be the duty of the common council on or before the first day of June in each year to specify by ordinance or resolution, the amount of taxes which they may deem it necessary to levy to defray the expenses of said city for the year, and thereupon the recorder shall certify to the supervisors such action of the common council, and shall further certify any taxes levied for sidewalk construction or by the action of the freeholders of the city, as provided in the last section.

Council to determine amount of taxes, etc.

The supervisors shall apportion the taxes so levied among their several districts, in proportion to the valuation of the taxable property therein, real and personal, as determined by them for that year. Each supervisor shall proceed to assess and spread upon the city assessment roll for his district, the taxes so levied and apportioned to that district, and to add thereto, such sums for the collection thereof as the common council shall direct, not to exceed four per cent. The taxes thus assessed shall

Supervisors to apportion tax, etc.

Taxes a lien.

become at once a debt to the city from the persons to whom they are assessed and the amounts assessed on any real property shall, on the first day of July, become a lien upon such real property, and the lien for such amounts and for all interest and charges thereon, shall continue until payment thereof. And all personal taxes shall also be a lien on all personal property of such persons so assessed, from and after the first day of July in each year, and shall take precedence of any sale, assignment of or chattel mortgage, levy or lien on such personal property, executed or made after said first day of July, except where such property is sold in the regular course of trade. Before the supervisor shall deliver such roll to the city treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the recorder a statement thereof, and the recorder shall immediately charge the amount of such taxes to the city treasurer. Each supervisor shall on or before the first day of July, deliver such assessment roll with the taxes assessed as hereinbefore provided, to the city treasurer and shall annex thereto a warrant signed by him, commanding the treasurer to collect from the several persons named in said roll, the several sums opposite their respective names, on or before the first day of September following, and it shall authorize the treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of his goods and chattels.

Supervisor to give statement to recorder, etc.

SEC. 35. All taxes shall be collected on or before the first day of September, unless the time for collection be extended.

Time for collection of taxes.

Interest.

Statement of
unpaid taxes,
etc.

How collected.

Sections
repealed.

The common council may, in its discretion, extend such time not exceeding one month. When such an extension is made, the recorder shall immediately notify the county treasurer thereof. In case of an extension, the warrant annexed to the tax roll shall continue in force during the time extended. Upon all taxes paid after the first day of September, there shall be collected interest at the rate of one per cent for every month or part of a month during which such taxes remain unpaid. If the city treasurer shall be unable to collect any of the taxes assessed on his rolls assessed on real property, he shall make a statement of the same, with a full and perfect description of such property, with the taxes upon each parcel thereof, which statement shall be verified by the affidavit of such treasurer that such taxes remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels liable to pay such sums, whereupon he could levy the same and that the amount of moneys collected by him upon such tax roll is truly stated therein.

SEC. 36. The county treasurer shall thereupon proceed in the manner prescribed by law in the case of taxes for State, county and school purposes returned as delinquent, and the taxes thus returned shall be collected in the same manner as other taxes returned.

SEC. 2. Sections number thirty-seven, thirty-eight and thirty-nine of "An act to incorporate the city of Niles," approved February twelfth, eighteen hundred and fifty-nine, are hereby repealed and all acts and parts of acts inconsistent with the provisions of this act.

This act is ordered to take immediate effect.

Approved June 19, 1891.

[No. 365.]

AN ACT to amend section three of chapter one of act number three hundred and ninety of the local acts of eighteen hundred and eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred and eighty-five, and the amendments thereto.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section three of chapter one of act number three hundred and ninety of the local acts of eighteen hundred and eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeenth, eighteen hundred and eighty-five and the amendments thereto, be and the same is hereby amended to read as follows:

CHAPTER I.

SEC. 3. The territorial limits of said city shall consist of all that tract of territory in the county of St. Clair bounded and described as follows: Commencing at a point on the national boundary line in St. Clair river where the same would be intersected by the section line projected between sections twenty-one and twenty-eight in town six north, of range seventeen east, thence running westerly along the northerly line of the highway between said sections to the southwest corner of said section twenty-one, thence running north along the east line of the highway between section twenty-one and twenty to the south line of the highway between sections sixteen and twenty-one, thence east along the south line of said highway to the west line of the highway running north and south through the center of section sixteen, thence north along the west line of the highway in the center of [section] sections sixteen and nine to the north line of the highway running east and west across the center of said section nine, thence westerly along the north line of said highway to a point where the Indian reservation line intersects said highway, thence in a northwesterly direction along said Indian reservation line to the northwest corner of said reservation, thence northeasterly along the south line of lot eight of private claim number three to the center of Black river, thence up the middle of said river to the northwest corner of what was formerly known as the Fort Gratiot military reservation, thence easterly on the north line of said military reservation to the national boundary line in St. Clair river, thence southerly along said boundary line to the place of beginning: *Provided*, That this act shall not take effect until February first, eighteen hundred and ninety-two. Territory incorporated.

Approved June 18, 1891.

[No. 366.]

AN ACT to authorize the township of Huron, county of Wayne, State of Michigan, to raise money to make public improvements in said township, and to provide for the levy of taxes therein to pay the same.

SECTION 1. *The People of the State of Michigan enact*, That the township of Huron, in the county of Wayne, State of Michigan, be and is hereby authorized and empowered to borrow money on the faith and credit of said township, and to issue bonds therefor to an amount not to exceed five thousand dollars, which shall be expended in constructing an iron bridge across the Huron river in said township of Huron: *Provided*, That a majority of the qualified electors of said township voting at an election to be called in conformity with the requirements of act number sixty-two of the session laws of eighteen Authority to borrow money.

Limit of loan.

Provide as to vote of electors.

Bonds, etc.

hundred and seventy-five, shall vote in favor of such loan, in the manner specified in said act, and not otherwise.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times and with such rate of interest, not exceeding six per cent interest per annum, as the township board shall direct, and shall be signed by the chairman and countersigned by the clerk of said board and sealed with the township seal, and negotiated at not less than par by and under the directions of said township board, and the money arising therefrom shall be appropriated in such manner as said township board shall determine for the purpose aforesaid, and the said township board shall have power, and it shall be their duty to raise by tax upon the taxable property of said Huron township, such sum or sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved June 19, 1891.

[No. 367.]

AN ACT to incorporate the village of Baraga, in the county of Baraga, State of Michigan.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact,* That the following described lands and territory, being portions of the township of Baraga, being township fifty-one north, range thirty-three west, in the county of Baraga, to wit: All of section thirty-three, the south one-half of section twenty-eight, the south one-half of section twenty-seven, and all of fractional section thirty-four, be and the same is hereby constituted a village corporate to be known as the village of Baraga.

First election.

SEC. 2. The first election of officers of said village shall be held on the second Monday in August, in the year of our Lord one thousand eight hundred and ninety-one, at the town hall in Baraga township, notice of which shall be posted in three of the public places in said village by the board of registration hereinafter appointed, at least ten days previous thereto. The following named persons are hereby appointed and constituted as inspectors of election at the first election to be held in the said village of Baraga: Pete Girard, Henry Hollister and J. W. Alston.

Inspectors of
election.

Board of
registration.

SEC. 3. George Hadley, Hugh Nesbit and James Bendry are hereby appointed and constituted a board of registration for the purpose of registering voters for the first election to be held in said village of Baraga, on the Saturday preceding the second Monday in August, in the year of our Lord one thousand eight hundred and ninety-one, and register the names of all persons of said village presenting themselves for registra-

tion, and having the qualifications of voters at annual township meetings, due notice of which shall be given by said board in manner and time as provided in the preceding section.

SEC. 4. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time so designated in section two of this act, on notice being given as provided in said section. Election at other than time specified.

SEC. 5. The said village of Baraga shall, in all things not herein otherwise provided, be governed and its power and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, and acts amendatory thereto. Governed by general law.

This act is ordered to take immediate effect.

Approved June 19, 1891.

[No. 368.]

AN ACT to amend section seventy-one and to add thereto a new section to stand as section seventy-two, of an act entitled "An act to incorporate the city of Hillsdale," approved March eight, one thousand eight hundred sixty-nine, as amended by act number two hundred fifty-three of the local acts of one thousand eight hundred seventy-one, approved March thirty-first, one thousand eight hundred seventy-one, as amended by act number three hundred forty-four, of the local acts of one thousand eight hundred eighty-five, approved May sixth, one thousand eight hundred eighty-five.

SECTION 1. *The People of the State of Michigan enact,* Section amended.
That section seventy-one of an act entitled "An act to incorporate the city of Hillsdale," approved March eighth, eighteen hundred sixty-nine, as amended by act number two hundred fifty-three, of the local acts of eighteen hundred seventy-one, approved March thirty-first, eighteen hundred seventy-one, as amended by act number three hundred forty-four, of the local acts of eighteen hundred eighty-five, approved May sixth, eighteen hundred eighty-five, be and the same is hereby amended to read as follows:

SEC. 71. The city of Hillsdale is hereby authorized to raise by vote of the electors thereof, a sum not exceeding ten thousand dollars, for the purpose of building city and county public buildings; the time and manner of submission of such proposition to the electors of said city to be regulated by the common council of said city, by ordinance or resolution. And the council may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations, as they may deem proper for the drainage of the city; and private Authority to raise money for public buildings.
Sewers and drains.

Private drains.

property, or the use thereof, may be taken therefor in the manner prescribed for taking property for public use as provided in chapter twenty-one of act number one hundred seventy-eight of session laws of eighteen hundred seventy-three, being chapter eighty of Howell's Annotated Statutes. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained; and may be collected by special assessment to be levied thereon, or otherwise. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewer, now built and known as sewer number one, such reasonable sum per year as they may deem just, in proportion to the amount of drainage through such private drain; such amount to be fixed by ordinance of said council. All drains and sewers hereafter built shall be constructed under the general laws for sewers, drains and water-courses, being section twenty-one of chapter eighty of Howell's Annotated Statutes, compiler's [section] sections two thousand six hundred three to two thousand six hundred nineteen, inclusive.

Charges for use of public sewer, etc.

SEC. 2. That a new section be added thereto to stand as section seventy-two, as follows:

Authority to erect electric light plant, etc.

SEC. 72. The city of Hillsdale shall have power to erect, maintain and keep in repair an electric light plant for the use of the city of Hillsdale and the inhabitants thereof, and for that purpose the common council of the city of Hillsdale may submit to the qualified electors of said city at any annual or special election called for that purpose, a proposition to raise a sum not exceeding fifteen thousand dollars, by loan at a rate of interest not exceeding five per cent per annum, to be voted upon by them. All votes given under the provisions of this act shall be by ballot, those voting in favor of the loan, shall have written or printed on their ballots "for the loan," and those voting against the loan, shall have written or printed on their ballots "against the loan." Such election shall be conducted in the manner of conducting other city elections in said city. If such proposition shall be approved by a majority vote of the electors of said city voting at such election, the

Ballots.

Bonds, etc.

common council at any time thereafter, may borrow such sum as shall have been voted, as hereinbefore provided, or as much thereof as may be necessary, and issue the bonds of said city for the payment thereof, said bonds to mature not later than ten years from the date of their issue; said bonds shall be executed by the mayor and clerk of said city and under the seal thereof, and the said common council shall have the power, and it shall be their duty, to raise by tax, upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due, which tax shall be levied and collected as provided for the levying and collection of other city taxes. Said city shall have the right to furnish lights to the inhabitants of said city for the lighting of stores, dwellings and other buildings, and the common council shall have power to fix by ordinance the rates to be paid for the use of such lights. May furnish light to citizens, etc.

This act is ordered to take immediate effect.

Approved June 18, 1891.

[No. 369.]

AN ACT to authorize the township of Croton, in the county of Newaygo, to borrow money to pay for the construction of a bridge across the Muskegon river within said township.

SECTION 1. *The People of the State of Michigan enact,* Authority to borrow money, etc. That the township board of Croton, in the county of Newaygo, be and the same is hereby authorized and empowered to borrow on the faith and credit of said township a sum not exceeding six thousand five hundred dollars at a rate of interest not exceeding six per cent per annum, and to negotiate the bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

SEC. 2. The money that may be borrowed by authority of this act shall be expended in the payment of the indebtedness incurred by said township in the construction of a bridge across the Muskegon river within said township. How expended.

Approved June 22, 1891.

[No. 370.]

AN ACT to authorize the township board of the township of Nunda, in Cheboygan county, to raise money to be expended in building and improving highways and bridges in the township of Nunda.

SECTION 1. *The People of the State of Michigan enact,* Authority to borrow money. That the township board of the township of Nunda, in the

Limit of loan.

Proviso.

county of Cheboygan, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said township, and issue bonds therefor to an amount not exceeding five thousand dollars, which shall be expended in building and improving highways and bridges in the township of Nunda: *Provided*, That a two-thirds majority of the electors of said township voting at an election to be called in compliance with chapter nineteen of Howell's statutes of Michigan, shall vote in favor of such loan in the manner specified in said act, and not otherwise: *Provided*, The notice to be given calling for such election shall distinctly state the roads and bridges to be built or improved.

May issue bonds.

SEC. 2. If such loan shall be authorized by a two-thirds majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding six *per centum* per annum, as such board may direct, and shall be signed by the supervisor and clerk of said township, and sealed with the seal of said township, and negotiated by or under the direction of said township board, and the money arising therefrom shall be appropriated in such manner as said township board shall determine, for the purpose aforesaid, and the said township board shall have power, and it shall be their duty to raise by tax upon the taxable property of said township such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Repealing clause.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 23, 1891.

[No. 371.]

AN ACT to provide for the pensioning of the widows and orphans of members of the metropolitan police force of the city of Detroit, killed or dying from the effects of injuries received while in the performance of their duty, and also to provide for a pension for members of the metropolitan police force of the city of Detroit who are injured or totally or partially disabled from injuries received while in the performance of their duty and to provide for a fund for and manner of payment of such pensions.

Widow to be pensioned.

SECTION 1. *The People of the State of Michigan enact*, That whenever a member of the metropolitan police force of the city of Detroit shall be killed or shall die from the effect of injuries received while in the performance of his duty leaving a widow, but no children, his widow shall be paid a pension of twenty-five dollars per month. Should such police officer leave

Amount of pension, etc.

children said widow shall be entitled to an additional sum of five dollars per month for each child so left by the death of such police officer; such pension of twenty-five dollars per month shall continue during the life of said widow, providing she does not remarry, upon which contingency said pension of twenty-five dollars per month, shall cease to be paid. And said five dollars per month shall thereafter be paid to the legal guardian of the surviving children of said officer. The pension provided for in this act for the children of such deceased officer shall cease upon the death of such child or upon its attaining its sixteenth year.

Additional pension for each child.

SEC. 2. Should such deceased police officer leave no widow, but shall leave children surviving him, a pension of eight dollars per month for each child shall be paid to the guardian of such child or children to be used in providing for the proper care, education and maintenance of such child. Said sum of eight dollars per month shall cease upon the death of such child or upon its attaining its sixteenth year.

Pension to children, etc.

SEC. 3. Any member of the metropolitan police force of the city of Detroit who shall become totally disabled from injuries received while in the performance of his duties shall be paid a pension of fifty dollars per month during his life or while such total disability shall exist. Total disability shall mean total inability to perform manual labor, total loss of eyesight, loss of speech, and loss of right arm or loss of both legs.

Pension in case of total disability.

SEC. 4. Any member of the metropolitan police force of the city of Detroit who shall from the effect of injuries sustained while in the performance of his duties lose his left arm, hearing, one eye, nose, one leg, loss of fingers on either hand, or of any other member of the body, which comes within the common law definition of mayhem, he shall be entitled to such pension not exceeding fifty dollars per month, as the committee provided for in section seven of this act shall determine to be just: *Provided*, That the determination of said committee shall in all things be final.

In case of injury, etc.

SEC. 5. The [pensions] pension provided for in this act shall be paid by a warrant drawn and signed by the city clerk of the city of Detroit and countersigned by the controller of the city of Detroit upon the treasurer of said city, and shall be paid out of the general fund of said city until the pension fund herein provided for shall have been raised, and thereafter from such pension fund.

Pensions, how paid.

SEC. 6. The city controller shall include in his annual estimates a sufficient sum to pay all pensions provided for in this act, when the same shall become necessary to constitute a police pension fund, which estimate shall be allowed by the proper estimating bodies and raised by direct taxation.

To be included in annual estimates.

SEC. 7. Whenever any persons shall be entitled to a pension under the provisions of this act, they shall present a petition to the common council of said city praying that they may be allowed the same; upon such petition being presented

To petition common council, etc.

to the common council the president shall immediately appoint two members of said council to act upon a committee, of which committee the mayor of said city, its controller and the president of said council together with the president of the board of police commissioners, shall be members, the mayor being chairman. Said committee shall consider such petition and if said committee shall determine that the applicant is entitled to a pension under the provisions of this act, they shall report such determination back to said common council at its next regular meeting; which body shall order the name of said applicant placed upon a pension roll to be provided by the city clerk and thereafter such applicant shall be entitled to draw such pension as hereinbefore provided: *Provided, however,* That the city clerk may provide a day in each month for the payment of such pensions, notification of which day shall be sent to each person entitled to such pensions and such day when fixed shall not be changed during the official term of said clerk: *Provided further,* That should said committee of the common council determine that the applicant is not entitled to a pension they shall report the same as above provided and such decision shall for all purposes be final.

Proviso as to day of payment, etc.

Further proviso.

To be paid from date of death.

Made applicable to certain persons.

SEC. 8. In all cases the pensions provided for in this act shall be paid from the date of the death of such officer, or from the date when injury resulting in partial or total disability was received. The provisions of this act are hereby made applicable to the widows and children of George Kimball, Alonzo Bullard, Albert Thayer and Edward [Schumaker] Schumacher.

This act is ordered to take immediate effect.
Approved June 23, 1891.

[No. 372.]

AN ACT to enlarge and extend the territory and borders of school district number two, fractional, of the townships of Deep River and Adams, in Arenac county.

Territory annexed.

SECTION 1. *The People of the State of Michigan enact,* That entire section seven, west half of section eight, southeast quarter of section eight, all in town nineteen north, range four east, situate in Arenac county, Michigan, shall be annexed to school district number two, fractional, of the townships of Deep River and Adams, in Arenac county, Michigan, the same being towns nineteen north of ranges three and four east.

This act is ordered to take immediate effect.
Approved June 23, 1891.

[No. 373.]

AN ACT to define the boundaries of school district number seventeen of the city of Jackson, and the townships of Blackman and Summit in Jackson county.

SECTION 1. *The People of the State of Michigan enact,* ^{Name.}
That the following described territory situated in the city of Jackson and the townships of Blackman and Summit in Jackson county shall hereafter be known as fractional school district number seventeen of the city of Jackson and the townships of Blackman and Summit to wit: All that part of the city of ^{Boundaries.} Jackson lying east of the center of Grand river; also the following described territory lying in the township of Blackman: the east one-half of the northeast quarter of section twenty-seven, the north one-half of section twenty-six; a piece of land commencing in the center of River street, on the north line of section twenty-seven, thence north thirty rods, thence east sixty rods, thence south thirty rods to the north line of section twenty-six, thence west on said line to the place of beginning. Also the following described territory situated in the township of Summit: All that part of the west one-fourth of section one lying north of the Michigan Central railroad.

This act is ordered to take immediate effect.

Approved June 23, 1891.

[No. 374.]

AN ACT to detach certain territory from fractional school district number four of the townships of Owosso and Caledonia, and attach the same to the union school district of the city of Owosso.

SECTION 1. *The People of the State of Michigan enact,* ^{Territory detached.}
That all that portion of the south one-half of section twelve, of the township of Owosso, which lies east of Shiawassee river, and is included in fractional school district number four, of the townships of Owosso and Caledonia, be and the same is hereby detached from said fractional school district number four, of the townships of Owosso and Caledonia, and attached to the union school district of the city of Owosso, and shall have all the privileges of the union school district of the city of Owosso, as now belong to other portions of said union school district under its charter and the laws of this State.

This act is ordered to take immediate effect.

Approved June 24, 1891.

AN ACT to amend section one of act number two hundred and seventy-four of the local acts of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Hancock," approved March nineteen, eighteen hundred and seventy-five, as amended by act number four hundred and forty-one of the local acts of eighteen hundred and eighty-seven, entitled "An act to amend section one of act number two hundred and seventy-four of the local acts of eighteen hundred and seventy-five, entitled 'An act to incorporate the village of Hancock,' approved March nineteen, eighteen hundred and seventy-five," approved April twenty-one, eighteen hundred and eighty-seven.

Section
amended.

SECTION 1. *The People of the State of Michigan enact,* That section one of act number two hundred and seventy-four of the local acts of eighteen hundred and seventy-five, entitled, "An act to incorporate the village of Hancock," approved March nineteen, eighteen hundred and seventy-five, as amended by act number four hundred and forty-one of the local acts of eighteen hundred and eighty-seven, entitled "An act to amend section one of act number two hundred and seventy-four of the local acts of eighteen hundred and seventy-five, entitled 'An act to incorporate the village of Hancock,' approved March nineteen, eighteen hundred and seventy-five," approved April twenty-one, eighteen hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Territory
incorporated.

SECTION 1. That all that tract of country situated in the township of Hancock in the county of Houghton, known and designated on the plats in the land office of the Upper Peninsula district as a part of lot number three in section thirty-five, a part of the southwest quarter of the southeast quarter of section twenty-six and parts of lots number one and two of section thirty-five, and a strip off the southeast quarter of the southwest quarter of section twenty-six, all in town fifty-five north, of range thirty-four west, according to the recorded plat of said village of Hancock, as recorded in the register's office for the county of Houghton; also all that piece or parcel of land situate in section thirty-five, in township fifty-five north, of range number thirty-four west, known and described as follows: Commencing at a point four hundred and forty-three and seventy-eight one-hundredths feet east and sixty feet south of the corner post of sections twenty-six, twenty-seven, thirty-four and thirty-five, township fifty-five north, of range thirty-four west, said point being the intersection of the south boundary of Quincy street and the north boundary of the right of way of the Mineral Range Railroad Company, running thence east and parallel to the line between sections twenty-six and thirty-five, four hundred and ninety-two and seventy-two one-hundredths feet to the west boundary of block fifteen of the village of Hancock, thence south at right angles to said section line along

the west boundary of said block fifteen, two hundred and forty feet, thence west and parallel to said section line one hundred and twenty-nine and forty-three one hundredths feet to the north boundary of said right of way of said railroad, thence northerly fifty-six degrees and thirty-three minutes west, along the said right of way four hundred and thirty-five and forty-one one-hundredths feet to the place of beginning; also, that piece or parcel of land situated in the township of Quincy in the said county of Houghton, being a part of the southeast quarter of section twenty-six in township fifty-five north, of range thirty-four west, known and described as follows: Commencing at a point where the north line of Quincy street in the village of Hancock, as platted, crosses the east line of Reservation street in said village, on the eastern boundary of land platted and known as the village of Hancock, according to the recorded plat thereof of record in the office of the register of deeds of said county of Houghton, thence easterly along the continuation of said north line of Quincy street aforesaid, eighty-six feet, thence northerly at right angles and parallel with said Reservation street fifty feet, thence westerly and parallel with said Quincy street eighty-six feet thence southerly along the east line of said Reservation street fifty feet to [the] place of beginning, be and the same is constituted a village corporate by the name of the village of Hancock.

This act is ordered to take immediate effect.

Approved June 24, 1891.

[No. 376.]

AN ACT to authorize the city of Benton Harbor to issue bonds for public improvements.

SECTION 1. *The People of the State of Michigan enact,* Authority to issue bonds, etc.
That the city of Benton Harbor is hereby authorized to raise for the purpose of erecting public buildings and for the purchase of ground therefor, and for the purpose of grading, paving, curbing and otherwise improving the streets, not exceeding in amount fifty thousand dollars more than is now authorized by law, and may issue bonds therefor bearing interest at not more than six per cent and running not more than ten years, and which shall be sold at not less than par; such bonds shall be authorized by a two-thirds vote of the electors voting upon the question at any annual election, or special election called for that purpose.

SEC. 2. The proposition to raise such additional amount shall be submitted to a vote of the electors of said city by an ordinance or resolution of the city council distinctly stating the purpose of the proposed expenditure and the amount proposed to be raised therefor. Such ordinance or resolution shall be published in one of the newspapers of the city and copies To be submitted to vote of electors.
Resolution to be published.

thereof posted in five of the most public places in each ward of the city at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

This act is ordered to take immediate effect.

Approved June 25, 1891.

[No. 377.]

AN ACT to authorize the county of Wayne to borrow money and to issue bonds for the [purposes] purpose of building a public building and to purchase or condemn lands as a site for the same.

Authority to condemn lands for public use.

SECTION 1. *The People of the State of Michigan enact,* That the county of Wayne is hereby authorized to institute proceedings in the circuit court for said county to condemn to the public use for county buildings, any tract, lot or parcel of land that may be needed as a site for a county court house or for any other [building] buildings said county may be authorized to erect under any law of this State.

Duty of board of auditors.

SEC. 2. Whenever the board of supervisors of said county shall by resolution designate the tract, lot or parcel of land on which the county desires to erect a court-house, or other county [building], buildings, it shall be the duty of the board of county auditors of said county, to negotiate with the owners and parties interested in the property so designated for the purchase of the same by the county, and in case the board of county auditors and such owners or parties interested cannot agree on the compensation or price to be paid by the county for said property, it shall be the duty of the board of county auditors to file a petition in the circuit court for the county of Wayne to condemn said property to the public use.

Proceedings, etc.

SEC. 3. The proceedings to condemn under this act shall comply as near as may be with the provisions of the general railroad law of this State with reference as to the condemnation of property to the public use, and the circuit court for the county of Wayne is hereby authorized to make any and all orders in any case under this act which may be necessary to accomplish the purpose of this act and comply with the constitution of this State.

Authority to borrow money, etc.

SEC. 4. Said county of Wayne is hereby authorized according to law, subject to the vote of the electors, to make a loan, not to exceed in amount one million dollars, to pay for said land and the erection of a building thereon. Said loan to be payable in three installments, viz.: Twenty, twenty-five and thirty years from date. Said loan shall bear interest at the rate of four per cent per annum, said interest payable semi-annually.

This act is ordered to take immediate effect.

Approved June 25, 1891.

[No. 378.]

AN ACT to amend act number one hundred and sixty-one of the session laws of eighteen hundred and fifty-five, entitled "An act to incorporate the village of Three Rivers," approved February thirteenth, eighteen hundred and fifty-five, as amended by the following acts, to wit: Act number two hundred and five of the session laws of eighteen hundred and seventy-three; act number three hundred and thirty-eight of the local acts of eighteen hundred and seventy-nine; act number three hundred and fifty-one of the local acts of eighteen hundred and eighty-one; act number four hundred and seventy-eight of the local acts of eighteen hundred and eighty-seven; and act number four hundred and forty-one of the local acts of eighteen hundred and eighty-nine, by adding seven new sections to stand as sections sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four and seventy-five.

SECTION 1. *The People of the State of Michigan enact,* Acts amended.
That act number one hundred and sixty-one of the session laws of eighteen hundred and fifty-five, entitled "An act to incorporate the village of Three Rivers," approved February thirteenth, eighteen hundred and fifty-five, as amended by the following acts, to wit: Act number two hundred and five, of the session laws of eighteen hundred and seventy-three; act number three hundred and thirty-eight of the local acts of eighteen hundred and seventy-nine; act number three hundred and fifty-one of the local acts of eighteen hundred and eighty-one; act number four hundred and seventy-eight of the local acts of eighteen hundred and eighty-seven, and act number four hundred and forty-one of the local acts of eighteen hundred and eighty-nine, be and the same is hereby amended by adding seven new sections to stand as sections Sections added. sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, and to read as follows:

SEC. 69. As soon as may be, after this act shall take effect, the common council shall appoint from the resident freeholders and qualified electors of said village at large, one person to be a member of the board of water commissioners, who shall qualify within one week after his appointment, and become a member of such board, with all the rights, privileges, powers and duties of any member thereof. The said board of water commissioners thereafter shall consist of five members; and the new member so appointed, shall be designated as a member at large, and shall hold his office until his successor shall be appointed and qualified; and the board of water commissioners as thus constituted, shall be subject to and be governed by all the provisions of the act to which this act is amendatory, and all amendments thereto, so far as the same shall apply to the said board of water commissioners as now existing; except as

Council to appoint member of board of water commissioners at large.

Board to consist of five members.

to the number of the members of said board, and the manner of appointing the same.

Annual appointment from certain ward.

SEC. 70. Every year at the regular meeting of the common council held on the first Monday of May, or as soon thereafter as may be, the said common council shall appoint one member of the board of water commissioners, to serve for the period of four years and until his successor shall be appointed and qualified, said member to be selected from the freeholders and qualified electors of the same ward that the one was selected from whose term of office will then expire; and one member at large to be selected from the freeholders and qualified electors of said village at large. Vacancies occurring in said board by removal from any ward, resignation or otherwise, shall be filled from said ward for the unexpired term; and vacancies occurring by removal from the village, resignation or otherwise, of the member at large, shall be filled from the village at large for the unexpired term.

Annual appointment of member at large.

Of vacancies.

Council to have control of sidewalks, etc.

Expenses of construction, repairs, etc., to be charged to adjacent property.

SEC. 71. The common council of the village of Three Rivers shall have control of all sidewalks and cross-walks in the public streets and alleys of said village, and may prescribe the grade thereof, and change the same when deemed necessary. The said common council shall have power and authority to construct, reconstruct, maintain and repair sidewalks in all the public streets and alleys of said village, and to cause the expense thereof to be levied as a special assessment upon the lots and premises adjacent to and abutting upon such sidewalks, according to frontage thereon.

Council may require owner to construct.

SEC. 72. The common council shall also have authority to require the owners or occupants, or persons in charge of lots and premises, to construct, reconstruct, maintain and repair sidewalks in the public streets and alleys, and adjacent to and abutting upon such lots and premises; and to construct and lay the same upon such lines and grades, and of such width, materials and manner of construction and within such time as the common council shall by ordinance or resolution prescribe.

On failure of owner, city may construct at expense of owner.

SEC. 73. If the owner or occupant of any lot or premises, or person in charge of the same, shall fail to construct, reconstruct, maintain or repair any particular sidewalk as mentioned in the preceding section, or shall fail to perform any other duty in respect to such sidewalk, within such time and in such manner as the common council shall by ordinance or resolution require, the said common council may cause the same to be done and may cause such sidewalk to be constructed, reconstructed, maintained or repaired at the expense of such owner or occupant; and the amount of all expense incurred by the said common council thereby, may be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk, in such manner as the said common council shall by ordinance prescribe; or the same, together with costs of suit, may be recovered in an action of assumpsit against such owner, occupant or person in charge; and in all such actions, it shall be sufficient as a declaration, to declare on the

Expense to be levied as special assessment.

common counts in assumpsit, for labor and materials furnished, and a statement of the labor and materials furnished in constructing, reconstructing, maintaining or repairing any such sidewalk, with the value of such labor and materials, verified by the officer under whose charge any such sidewalk may have been constructed, reconstructed, maintained or repaired, shall be *prima facie* evidence of the right of the said common council to recover the same.

SEC. 74. Whenever any special assessment shall be levied upon any lot or premises under any of the provisions of this act or any amendment thereto, the same shall become and be, from the time of such levy, a lien upon such lot or premises until paid, and shall be subject to be collected in the same manner as other moneys raised by tax in said village may be collected.

Assessment a
lien on property.

SEC. 75. It is hereby made the several duty of the owner, occupant and person in charge of any lot or premises, to construct, reconstruct, maintain and repair all sidewalks adjacent to and abutting upon said lot or premises; and any owner, occupant or person in charge of such lot or premises, who shall neglect to construct, reconstruct, maintain or repair any such sidewalk, in accordance with the requirements of this act and the ordinances of the common council, shall be liable to the village of Three Rivers for the amount of all damages that may be recovered against it, for any accident or injury to person or property occurring by reason of such neglect; and shall also be liable to prosecution before any justice of the peace of the township of Lockport, and on conviction to be fined not to exceed one hundred dollars and costs; or to imprisonment in the county jail of St. Joseph county not exceeding ninety days. The common council shall have power to provide by ordinance that any owner, occupant, or person in charge of any lot or premises, who shall neglect for a longer time than a certain number of days to be specified in such ordinance, to construct, reconstruct, maintain or repair any sidewalk adjacent to and abutting upon such lot or premises, after he shall have been served with notice so to do, shall for each and every day he so neglects, be liable to a fine of not less than one dollar, nor more than five dollars, to be recovered by said common council in an action on the case before any justice of the peace of the township of Lockport.

Owner liable for
damages from
failure to con-
struct, repair,
etc.

Owner liable to
fine for neglect to
construct, etc.

This act is ordered to take immediate effect.

Approved June 26, 1891.

[No. 379.]

AN ACT to provide for the compensation and to prescribe the duties of certain officers of the county of Kent.

SECTION 1. *The People of the State of Michigan enact,* That the treasurer of the county of Kent shall receive a salary of twenty-five hundred dollars per annum; that the clerk of

Salaries of
county treasurer,
clerk and regis-
ter.

Not entitled to compensation other than salary. 1

Officers to collect fees.

Fees to be paid to county treasurer.

Bond to supervisors.

Bond to be executed before entering on discharge of duties.

Additional powers of supervisors under this act.

Idem.

the county of Kent shall receive a salary of twenty-five hundred dollars per annum; that the register of deeds of the county of Kent shall receive a salary of twenty-five hundred dollars per annum. The officers named shall not be entitled to any compensation other than said salary for the performance and discharge of any duties growing out of their office or any office, the duties of which they exercise by virtue thereof.

SEC. 2. It shall be the duty of the officers in the foregoing section named, to collect all fees now provided by law, for the performance of duties growing out of their said offices.

SEC. 3. The fees collected by the foregoing named officers shall be paid to the county treasurer on the last Saturday of every month and the same shall be for the use of said county and by said county treasurer shall be immediately placed to the credit of the general fund, in a depository to be hereafter designated by the board of supervisors of said county of Kent. Such payment shall in all cases be accompanied with a statement in writing of the respective officers of the services rendered and fees collected and that the same is true in every particular, which statement shall be verified by the oath of the officers making the same that such statement is true.

SEC. 4. That said officers shall give a bond to the board of supervisors of Kent county with sufficient sureties to be approved by said board, and in such amount as the board may direct conditioned for the faithful discharge of the duties growing out of their said offices as prescribed by this act.

SEC. 5. No person hereafter elected to the office of county clerk, register of deeds and county treasurer in the county of Kent shall enter upon the discharge of his duties until he has executed a bond pursuant to the foregoing section. In addition to the powers now vested by law in said board of supervisors they shall have power

First, To prescribe the number of deputies or clerks to be employed in the said offices and fix the compensation to be paid them, which number and compensation shall be sufficient for the proper transaction of the business of such offices. The principal deputy of the county treasurer and of the county clerk shall receive a salary not less than one thousand dollars nor more than fifteen hundred dollars per annum. Such deputies and clerks shall be appointed by the said treasurer, county clerk and register of deeds respectively;

Second, To designate a bank or other depository for the care and custody of the county moneys and funds, the same to be designated in the month of January, in each year, on a notice to be published daily for one week in a daily paper published in the city of Grand Rapids, setting forth that said county moneys will be let out to the bank or depository paying the highest rate of interest on weekly balances: *Provided,* That said depository or bank shall give a bond to the board of supervisors of Kent county, with sufficient sureties to be approved by said board, and in such amount as the board may

direct conditioned for the faithful care and custody of the moneys so deposited with said bank or depository;

Third, To prescribe and direct that all moneys of said county of Kent shall be paid out only on the order of the chairman of the board of supervisors of said county countersigned by the clerk of said board. Idem.

SEC. 6. Any officer who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in the sum not exceeding five hundred dollars or imprisonment in the county jail not exceeding six months or both. Failure to comply deemed a misdemeanor.

SEC. 7. This act shall take effect on the first day of January in the year eighteen hundred and ninety-three.

SEC. 8. All acts and parts of acts contravening the provisions of this act are hereby repealed. Repealing clause.

Approved June 26, 1891.

[No. 380.]

AN ACT to re-incorporate the village of Lake City, in the county of Missaukee, and State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That all those tracts or parcels of land situated in the townships of Reeder and Lake, in the county of Missaukee, and described as follows, to wit: Such a territory of land as would be bounded by a line commencing at the corners of townships twenty-two north of ranges seven and eight west, and township twenty-three north of ranges seven and eight west, thence west on the township line to a point where said township line would strike the low water mark of Muskrat lake, thence in a southerly direction on the said low water mark to the east and west quarter line of section seven township twenty-two north, of range seven west, thence east to the center of said section seven, thence north on the quarter line of said section seven eighty rods, thence east eighty rods, thence north on the east eighth line of sections seven and six four hundred rods to the township line between townships twenty-two and twenty-three north of range seven west, thence west on said township line to place of beginning: *Provided, however*, That the jurisdiction and territorial limits of said village for municipal purposes shall extend to and cover all the waters within and in front of the territory above described to the distance of twenty rods from said low water mark be and the same is hereby re-incorporated as a village under the name of the "village of Lake City." Territory incorporated. Provide as to jurisdiction, etc.

SEC. 2. The said village of Lake City is hereby made subject to the provisions of act number sixty-two of the laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, as now Name. Subject to general law, etc.

or hereafter amended, and shall possess all the rights and powers and shall be subject to all the duties and liabilities prescribed in said last named act.

Present officers
to continue.

SEC. 3. The present officers of said village shall continue in office until the expiration of the terms for which they were elected at the last election in said village and until their successors shall be elected and qualified with the same powers and duties as are conferred by this act and said general act number sixty-two.

First election.

SEC. 4. The first election under this act shall be held on the second Monday in March, A. D. eighteen hundred ninety-two, at the village council rooms, in the said village of Lake City; at which time there shall be elected three trustees for the term of two years and also a village president, a village clerk, a village treasurer, a village street commissioner, and a village assessor.

Notice of
election, etc.

SEC. 5. Notice of the time and place of holding said election, and of the officers to be elected, and of the time and place of the meeting of the board of registration for said election, shall be given by the village clerk of the present village at least eight days before such first election by posting such notice in three public places in said village. The clerk of the present village of Lake City and the three trustees of said village whose term of office will first expire, shall constitute the inspectors of said election and the board of registration therefor. Said board of registration shall meet on the Saturday previous to the day of holding said first election at the village council rooms in said village, at nine o'clock in the forenoon of said day, for the purpose of completing the list of qualified electors of said village and registering the same, and shall remain in session until five o'clock in the afternoon of said day, except that they may adjourn one hour at noon for dinner. In such proceedings said board of registration shall have the same powers and proceed in the same manner and conform to the same rules, as near as may be, as is now provided for boards of registration in townships in the State and the registering of electors in such townships.

Inspectors of
election and
board of registra-
tion.

Present ordinan-
ces to continue
in force, etc.

SEC. 6. All the ordinances, orders, by-laws and resolutions of said present village of Lake City in force at the time this act takes effect, not in conflict with this act or said general act sixty-two, as amended, are hereby continued in force, until the same shall be changed or repealed according to law; and said village of Lake City, as hereby re-incorporated, shall possess all the property and rights of said present village; and shall have full power and authority to collect and enforce, under the provisions of this act and said general law, all taxes that have been levied, and all debts, claims and demands that shall have accrued or become due to said present village at the time this act shall take effect. Said re-incorporated village shall be the successor of and subject to all the debts, liabilities and obligations of said present village of Lake City.

This act is ordered to take immediate effect.

Approved June 26, 1891.

[No. 381.]

AN ACT to vacate the township of Lincoln, in the county of Mason, in this State and to incorporate the territory embraced therein, in the townships of Hamlin, Amber and Pere Marquette, in the said county of Mason.

SECTION 1. *The People of the State of Michigan enact,* Township dissolved.
That the township organization of the township of Lincoln, county of Mason, in this State is hereby dissolved.

SEC. 2. Sections five, six, seven and eight of township Territory incorporated in Amber township.
eighteen north, range seventeen west, situate in said township of Lincoln, are hereby attached to and incorporated in the township of Amber in said county of Mason. Such Territory incorporated in Hamlin township.
portions of sections one, two, three and four of township eighteen north, range eighteen west, as lie and are situate north of Lincoln lake and Lincoln river in said township of Lincoln are hereby attached to and incorporated in the township of Hamlin, in said county of Mason. The remainder of the said township of Lincoln is hereby attached to and incorporated in the township of Pere Marquette in said county of Territory incorporated in Pere Marquette township.
Mason.

SEC. 3. The board of supervisors of the said county of Supervisors to divide record books, property, etc.
Mason are hereby empowered and it is made the duty of the said board at their next regular or special meeting, or as soon thereafter as possible to divide and apportion among the said townships of Amber, Hamlin and Pere Marquette, as equitably as may be, all the books, records, papers, moneys, property and debts which now belong to the said township of Lincoln or to which the said township of Lincoln is liable and the said board is further empowered to execute and conclude all necessary details incident to the vacation of the said township of Lincoln.

This act is ordered to take immediate effect.

Approved June 26, 1891.

[No. 382.]

AN ACT to detach certain territory from graded school district number one, of the township of Cottrellville, in the county of St. Clair, and attach the same to school district number seven of the township of Cottrellville, St. Clair county.

SECTION 1. *The People of the State of Michigan enact,* Territory detached from district No. 1.
That section number two, fractional, and section number eleven, all in town three north range sixteen east, and all that portion of private claim, number one hundred and ninety-eight in town three north range sixteen east, that is now included within the present limits of graded school district number one,

of the township of Cottrellville, in the county of St. Clair, be and the same is hereby detached from said graded school district number one, of the township of Cottrellville, in the county of St. Clair, and the same is hereby attached to school district number seven of the township of Cottrellville, in the said county of St. Clair.

This act is ordered to take immediate effect.

Approved June 29, 1891.

[No. 383.]

AN ACT to authorize the village of Rockford, in the county of Kent, to borrow money to make public improvements in said village, to issue bonds therefor, and to provide for the levy of taxes therein to pay the same.

Authorized to
borrow money.

Provide as to
limit.

Common council
to call meeting.

Notice of
meeting.

Publication of
notice.

Question to be
submitted and
manner of
voting.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the village of Rockford, in the county of Kent to borrow money on the faith and credit of said village and to issue bonds therefor in an amount not to exceed ten thousand dollars, which shall be expended in erecting and maintaining a system of water-works in said village of Rockford: *Provided,* That the amount to be raised by tax in said village in any one year shall not exceed one per cent at any time on the assessed valuation of the taxable property thereof.

SEC. 2. The common council of said village, on presentation of a written request signed by not less than fifteen taxpayers and electors of said village, in which request shall be set forth the amount of money sought to be raised and the rate of interest to be paid on any bonds or other obligations to be issued by said village, and the time and manner of payment of the same, and the purpose for which said money is sought to be raised, shall call a meeting of the qualified electors of such village for the purpose expressed in such request, by giving at least five days' notice of the time and place of holding such meeting by posting written or printed notices in five of the most public places in said village, and by publishing the same in all the newspapers published in said village, which notice may be signed by the clerk of said village, and shall state the purpose of said meeting.

SEC. 3. At such meeting so called, the question to be submitted to the electors shall be only those expressed in the notice calling such meeting; the vote of such meeting shall be by ballot written or printed or partly written and partly printed, and those who vote in the affirmative shall vote a ballot so inscribed, "For the loan—Yes," and those who vote in the negative shall vote a ballot so inscribed, "For the loan—No." The meeting shall be conducted in the same manner as the annual elections of said village, and the proceedings and result shall be reported by the board of inspectors and filed in the office of the

clerk of said village in the same manner and with the like effect as the proceedings and result of the said annual elections.

SEC. 4. If such loan shall be authorized by two-thirds of the votes cast at such meeting, it shall be the duty of the president and clerk of said village under the direction of the common council thereof, to do and perform the acts necessary to carry into effect the determination of said meeting.

Duty of president and clerk if loan authorized.

SEC. 5. It shall be the duty of the common council of said village to levy and collect from time to time from the taxable property and inhabitants of said village, in the same manner as other taxes for village purposes are assessed and collected, such sums of money as shall be authorized in the manner provided in this act, and such sums from time to time as shall be necessary to pay the principal and interest falling due upon any bond or obligation issued in pursuance of this act, and to apply the same to the payment thereof.

Manner of collecting money by council.

SEC. 6. No bond or other obligation issued by said village under the provisions of this act shall be sold or negotiated at less than par value or bear a greater rate of interest than six per cent per annum or run longer time than twelve years.

Bonds not to be sold for less than par.

SEC. 7. All money received by said village under the provisions of this act shall be kept in a separate fund to be drawn therefrom as provided in section five.

Money to be kept in separate fund.

This act is ordered to take immediate effect.

Approved June 29, 1891.

[No. 384.]

AN ACT to re-incorporate the village of Howell, and to repeal act number ninety-four of the session laws of eighteen hundred and sixty-three, entitled "An act to incorporate the village of Howell," and repeal act number two hundred and forty-seven of the session laws of eighteen hundred and sixty-nine, being "An act to amend an act to incorporate the village of Howell, approved March fourteenth, eighteen hundred sixty-eight, and to add thereto one new section," and to repeal act number two hundred and ninety-seven of the local acts of the Legislature of the State of Michigan passed at the regular session of eighteen hundred and eighty-one, being "An act to amend an act entitled an act to incorporate the village of Howell," being act number ninety-four of the session laws of eighteen hundred and sixty-three, approved March fourteen, eighteen hundred and sixty-three, as amended by act number two hundred and forty-seven of the session laws of eighteen hundred and sixty-nine, approved March four eighteen hundred and sixty-nine, and to add thereto six new sections.

SECTION 1. *The People of the State of Michigan enact,* That all that tract of country situate in the townships of

Territory incorporated.

**Territory
excepted.**

**Division of
territory.
First
district.**

**Second
district.**

**Third
district.**

**Fourth
district.**

**Officers to be
elected.**

Howell and Marion, in the county of Livingston, in the State of Michigan, which is known and described as follows, to wit: Section thirty-five, section thirty-six, the south half of section twenty-five, and the south half of section twenty-six in township number three north, of range four east; and also the north part of sections number one and two, in township number two north, of range four east bounded and described as follows, to wit: Commencing at a point on the township line between the said townships of Howell and Marion two rods east of the northwest corner of the northeast quarter of section number two, thence south sixty-four rods parallel with the quarter section line, thence east parallel with the aforesaid township line to a point sixty-four rods south of the northeast corner of the northwest quarter of section number one, thence north to the northeast corner of said northwest quarter of section number one, thence west along the township line to the place of beginning, be and the same is hereby made and constituted a town corporate, by the name, style and title of the village of Howell, except the following described land: Beginning at a point on the township line between the said township of Howell and Marion, two rods east to the northwest corner of the northeast quarter of section number two, thence south sixty-four rods parallel with the quarter section line, thence east parallel with the aforesaid township line to a point thirteen rods west of the east line of the northeast quarter of section number two, thence due north sixty-four rods to township line, thence west along township line to place of beginning.

SEC. 2. The said village shall be divided into four districts as follows, to wit: The first district shall embrace all that portion of said village lying north of Grand River street and east of East street and the continuation of East street by the highway leading to the north line of said village. The second district shall embrace all that portion of said village lying south of Grand River street and east of East street and the continuation of said street by the highway leading to the south line of the village. The third district shall embrace all that portion of said village lying south of Grand River street and west of East street and the continuation of East street, as aforesaid. The fourth district shall embrace all that portion of said village lying north of Grand River street and west of East street and its continuation to the north line of said village. Whenever a street or its continuation by a highway is mentioned in this act as a boundary or division line the center of the street or highway shall be deemed to be the said line or boundary unless otherwise designated or described. The officers of said village shall consist of a president, clerk, assessor, treasurer, and eight trustees to be elected by ballot by a plurality of votes of the qualified electors under the constitution of the State who have resided in said village ten days next preceding such election, and who shall hold their terms of office as hereinafter mentioned in this act.

SEC. 3. The first election of officers herein provided for shall be held at the engine house in said village on the first Monday of March in the year eighteen hundred and ninety-two, and annually thereafter there shall be held an election at such place in said village as the common council shall determine on and appoint for that purpose, at which election there shall be elected annually thereafter from each of said four districts one trustee for the term of two years from the day of such election and until their successors shall be elected and qualified. The term of all officers shall commence immediately after their election or appointment and qualification and shall continue until the election or appointment and qualification of their successors. At the first election held subsequent to the passage of this act the aforesaid eight trustees, except as hereinafter provided, shall be elected as follows, to wit: For the first district of said village one trustee for the term of one year and one trustee for the term of two years; for the second district of said village one trustee for the term of one year and one trustee for the term of two years; for the third district of said village one trustee for the term of one year and one trustee for the term of two years; and for the fourth district of said village one trustee for the term of one year and one trustee for the term of two years: *Provided*, That the officers of said village now in office and those to be elected therein at the election to be held on the first Monday of March, eighteen hundred ninety-one, shall continue in office with the powers and duties conferred respectively by this act of re-incorporation, until the term of office for which they were and shall be elected shall expire and until their successors shall be elected and qualified: *Provided, also*, No person shall be elected or appointed to, or shall hold any office under this act who shall not be at the time of his election or appointment, and so long as he shall hold such office, a resident and qualified elector of said village, and no person shall be elected or appointed a trustee of said village who, at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident and a qualified elector of the district for which he may be elected or appointed: *Provided, also*, That the neglect or failure to hold any election at the time and place appointed shall not be deemed to work a dissolution of said corporation; but in such case it shall and may be lawful to hold such election at any time thereafter, pursuant to public notice which may be given by five qualified electors of said village in the manner herein provided.

SEC. 4. It shall be the duty of the clerk of said village to give ten days' public notice of the time and place of holding all elections, both annual and special, in said village, including the first election under this act, which notice shall be posted in three public places in said village, and shall also be published in at least two of the newspapers printed and published in said village.

SEC. 5. The president, clerk and one trustee to be elected, or three trustees to be elected by the common council shall

First election.

Terms of officers.

Election of trustees.

Provide as to present officers.

Provide.

Provide as to failure to hold election at time appointed.

Clerk to give notice of elections.

Publication of notices.

Board of registration.

Time and place
of first meeting.

Notice of first
meeting.

Time and place
of subsequent
meetings.

Board of in-
spectors of
election.

Political parties
to be allowed
representation
at polls.

Opening and
closing of polls.

Public work to
be let to lowest
bidder.

Council may
charge for con-
necting private
drains with
sewers.

constitute a board of registration of said village, and the acting president, clerk and one trustee shall constitute a board of registration for the purpose of registering the legal voters residing within said village and making a registration list to be used at said first election, and said board of registration for said first election shall meet at the engine house in said village on the Saturday previous to the holding of said first election and remain in session from nine o'clock in the forenoon until five o'clock in the afternoon of said day. Notice of the time and place of such meeting shall be given with the notice of said election as hereinbefore provided. And after said first election the board of registration of said village shall meet at said engine house or such other place in said village as the common council shall provide for that purpose on the Saturday previous to every general and special election to be held in said village, and all meetings of said board of registration shall commence at nine o'clock in the forenoon and be continued and held until five o'clock in the afternoon of said day. Notice of the time and place of holding such meeting shall be given with the notice of said election as herein provided.

SEC. 6. The acting president and two trustees to be chosen by the common council of said village shall constitute the board of inspectors of election for the first election to be held under this act, and the clerk of the village or such other person as the common council of said village may select shall be clerk of said board of inspectors, and at all subsequent elections, general or special, to be held in said village, the president and two trustees to be chosen by the council for the purpose shall constitute the board of inspectors of election in said village. The president of the village shall be chairman of the board of inspectors of election, and the clerk of the village shall be the clerk of said board. A majority of the members of said board shall have the power to fill all vacancies that may occur in said board. The two dominant political parties in said village shall have the privilege of being represented at an election held therein, by not to exceed two persons to be selected by such parties, who may be present from the opening of the polls until the result of the election shall be announced. But such persons shall in no way disturb such election or obstruct or interfere with the board of inspectors of election in the discharge of its duties. The polls of all elections under this act shall open at nine o'clock in the forenoon and shall be continued open until five o'clock in the afternoon of said day and no longer.

SEC. 7. All public work hereafter to be done by or for said village where the amount of the same shall exceed twenty dollars shall be let to the lowest responsible bidder, under the specifications and directions of the common council, and the said council may exact and take such bonds or security for the faithful performance of said public contract as it may deem just.

SEC. 8. The common council may charge and collect from persons whose premises are connected by private drains with the public sewers such reasonable sum as it may deem just in

proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon.

SEC. 9. The common council shall have authority to raise by general tax upon all the real estate and personal property liable to taxation in said village, exclusive of taxes for highway and street purposes, such sum not exceeding in any one year one-half of one per cent of the assessed valuation of such property as they shall deem necessary for the purpose of defraying the general expenses and liabilities of the corporation, and to carrying into effect the powers in this act granted. The moneys so raised shall constitute a general fund and the council shall also have power to raise by general tax upon all the real and personal property aforesaid such sum not exceeding one-fourth of one per cent of the assessed value of said property as they shall deem necessary for highway and street purposes; such moneys shall constitute a general highway fund, and shall be expended exclusively for working and improving the highways, streets, lanes and alleys of the village. The council may also raise annually such further sum not exceeding two mills on the dollar of the assessed value of the property in the village as may be needed for an interest and sinking fund to pay the funded debt of the village, if any, and the interest thereon. The money so raised shall be used for the purpose aforesaid and for no other.

Authority to raise tax for general purposes.

Authority to raise tax for highway purposes.

Authority to raise tax for pending debts.

SEC. 10. It shall be lawful for the said village of Howell to borrow any sum of money to be used exclusively for the purpose of constructing and maintaining water-works: *Provided*, That the total sum borrowed and raised by tax therefor the first year shall not exceed one per cent of the assessed valuation of the property in the village as contained in the last preceding assessment roll of the same: *And provided*, That not more than one-half of one per cent shall be borrowed during any one year thereafter, and the rate of interest shall not exceed six per cent upon any indebtedness contracted under the provisions of this act. The council shall have the power to fix the time and place of payment of the principal and interest voted under this act, and to issue the bonds or other evidence of indebtedness of the village therefor.

May borrow money for water-works.
Provide.

Provide.

SEC. 11. After the completion of the annual tax roll by the assessor, he shall cause said assessment roll, certified under his hand, to be delivered to the village treasurer, with the warrant of the president of the village annexed thereto, directing and requiring him to collect from the several persons named in said roll, the several sums mentioned therein opposite to their respective names, as a tax or assessment, and authorizing him in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale in the same manner and to the same extent as provided by the general tax laws of the State. It shall be the duty of the treasurer to act as collector of the vil-

Assessor to deliver tax roll to treasurer.

Authorized to levy by distress and sale.

Duty of treasurer in collecting taxes.

lage, and upon receiving the tax roll and warrant shall, for the purpose of collecting the taxes therein mentioned, be and remain at his office or place of business on every Friday of each and every week, after [receiv-] receiving such list, until and including the last Friday in the month of June, and upon all taxes paid or tendered to him on such days, or at any other time before the first day of July next thereafter, he may add one per cent for collection fees, and upon all taxes collected by him after the first day of July, he may add three per cent for collection fees: *Provided*, That the fees so added and collected, together with a salary of twenty-five dollars per annum, shall be in full payment or compensation for his services as collector and treasurer, and the annual tax roll shall be returnable by said village treasurer by the first day of September in each year, and settlement made with the common council. The treasurer shall safely keep all moneys coming into his hands, belonging to the corporation, and pay the same on the order of the clerk, countersigned by the president, and at the expiration of his office hand over all moneys in his hands, and all books and papers pertaining to his office to his successor.

Proviso.

Proceedings
under former
acts not impaired
by this act.

SEC. 12. Nothing herein contained shall be construed to destroy, impair or take away any right or remedy acquired or given by any act repealed, and all proceedings commenced under any former act or acts shall be carried out and completed in the same manner as near as may be as provided in such former act or acts, and all lawful claims or interest of the village of Howell in lands heretofore sold or bid in by said village for delinquent taxes assessed in said village may be sold and conveyed in the same manner as the same might have been sold and conveyed had not this act been passed and with like effect, and any purchase of lands sold for taxes in said village shall, if the land so purchased is not redeemed as provided in said act or acts, be entitled to a deed from said village in pursuance of the powers herein conveyed which shall be as valid and effectual as though the same had been executed under said repealed act or acts; and all prosecutions for any offense committed or penalty or forfeiture incurred before the passage of this act shall be enforced in the same manner in all respects and with the same effect as if this act had not been passed.

Present laws to
remain in force.

SEC. 13. All ordinances, by-laws, regulations, resolutions and rules of the common council of the village of Howell now in force, and not inconsistent with this act, shall remain in force until altered, amended or repealed by the common council under this act, and after the same shall take effect.

Present corpora-
tion to assume
debts, etc., of
village.

SEC. 14. The corporation created by this act shall pay and discharge all the debts, obligations, contracts and liabilities of the village of Howell, and suits may be brought and prosecuted thereon in the same manner either in law or equity, and with the same effect as they could be brought or prosecuted if this act had not been passed. The said village, of Howell shall, in all things not herein otherwise provided be governed and its powers and duties be defined by an act

Governed by
general law.

entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and the amendments thereto, the same being chapters eighty-one and eighty-three of Howell's Annotated Statutes.

SEC. 15. All acts or parts of acts heretofore incorporating or granting powers to the village of Howell as now constituted are hereby repealed. Repealing clause.

Approved June 30, 1891.

[No. 385.]

AN ACT to authorize the raising of money to improve, pave or macadamize the streets in the village of Ithaca, Gratiot county, Michigan.

SECTION 1. *The People of the State of Michigan enact,* Authority to borrow money.
That the common council of the village of Ithaca shall be, and is hereby authorized and empowered to borrow money on the faith and credit of the said village, and to issue bonds therefor to an amount not to exceed fifteen thousand dollars, Limit of loan.
which shall be expended to improve, pave or macadamize the public streets in the village of Ithaca, Michigan: *Provided,* Provided.
That two-thirds of the electors of said village voting at an election to be called and held in compliance with the provisions of sections two thousand seven hundred and ninety-two to two thousand eight hundred and three inclusive, of Howell's Annotated Statutes of Michigan, shall vote in favor of such loan, and not otherwise.

SEC. 2. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited and payable at such times, with such rates of interest, not exceeding six per cent per annum, as the common council shall direct. Such bonds shall be disposed of at not less than par, and shall be signed by the president and clerk and sealed with the seal of said village and negotiated by the common council or by its authorized member or committee appointed or elected from the said common council for such purpose. And the money arising therefrom shall be appropriated in such manner as the common council shall determine for the purposes aforesaid. And the said common council shall have power, and it shall be its duty to raise by tax upon the taxable property of said village such sum or sums as shall be necessary and sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due. Bonds, etc.

This act is ordered to take immediate effect.

Approved June 30, 1891.

AN ACT to authorize the city of St. Joseph to issue bonds for public improvements.

Authorized to
borrow money.

To issue bonds.

To be submitted
to electors.

SECTION 1. *The People of the State of Michigan enact,* That the city of St. Joseph is hereby authorized to raise for the purpose of erecting and maintaining a system of water-works and for the purpose of grading, paving, curbing and otherwise improving the streets, not exceeding in amount fifty thousand dollars more than is now authorized by law, and may issue bonds therefor bearing interest at not more than six per cent and running not more than ten years, and which shall be sold at not less than par; such bonds shall be authorized by a two-thirds vote of the electors voting upon the question at any annual election, or special election called for that purpose.

SEC. 2. The proposition to raise such additional amount shall be submitted to a vote of the electors of said city by an ordinance or resolution of the city council, distinctly stating the purpose of the proposed expenditure and the amount proposed to be raised therefor. Such ordinance or resolution shall be published in one of the newspapers of the city and copies thereof posted in five of the most public places in each ward of the city at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

This act is ordered to take immediate effect.

Approved June 30, 1891.

AN ACT to amend sections five, six, twenty-two, twenty-five, forty-four, forty-seven, and seventy-five of act number two hundred and seventy-one of local acts of eighteen hundred and seventy-seven, entitled "An act to incorporate the city of Dowagiac," approved March twenty-four, one thousand eight hundred and seventy-seven, and to amend section forty-four of said act of eighteen hundred and seventy-seven as amended by act number four hundred and eleven of the local acts of eighteen hundred and eighty-nine, approved June seventh, one thousand eight hundred eighty-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections five, six, twenty-two, twenty-five, forty-four, forty-seven, and seventy-five of local acts number two hundred and seventy-one of the local acts of eighteen hundred and seventy-seven, entitled "An act to incorporate the city of Dowagiac," approved March twenty-four, one thousand eight hundred seventy-seven, and to amend section forty-four, of said act of eighteen hundred and seventy-seven, as amended by act number four hundred and eleven of local acts of eight-

een hundred and eighty-nine, approved June seventh, one thousand eight hundred eighty-nine, be and the same hereby are amended so as to read as follows:

SEC. 5. The annual election shall be held on the first Monday in April, and the common council of said city shall provide at their regular monthly or special meeting next preceding the holding of any annual election the places for holding the said elections. The said common council shall establish a voting precinct in each of the three wards of the city and the members of the board of inspectors of election shall be constituted as follows: The senior alderman of each ward together with two other qualified electors of the ward of different political parties to be appointed by the common council: *Provided*, In [the] case of the death, sickness or inability of the senior alderman so to act, the junior alderman of the ward shall act as chairman of the board: *Provided further*, That in the event of the death, sickness or inability to act of both of said aldermen, then the third member of said board may be chosen by the two members so appointed by the common council. And it shall be the duty of the recorder to give at least five days' notice of the time and place of holding said election by posting written or printed notices in three of the most public places in each of the wards. And each of said boards of inspectors shall make a return of the election in each of their respective wards to the mayor and recorder of said city on the day of election, and the said mayor and recorder shall declare the result and make certificates as provided by section thirteen of act number two hundred and seventy-one of the local acts of eighteen hundred and seventy-seven. All elections held under the provisions of this act, be the same general or special, shall be conducted in the same manner and under the provisions of public act number two hundred and sixty-three of the public acts of eighteen hundred and eighty-nine entitled "An act to prescribe the manner of conducting and to prevent fraud and deception at general elections in this State," and acts amendatory thereto.

Time of annual election.

Voting precinct in each ward.

Board of inspectors.

Provido.

Further proviso.

Notice of election.

Public act governing elections.

SEC. 6. The persons named in section five as constituting the board of inspectors of elections shall be and are hereby constituted a board of registration for their respective wards. On the Saturday previous to the day of holding any annual or special election and on any other days that the city council may appoint, the board shall be in session for the purpose of completing the registration of the electors of the ward. Notice of the time and place of such meeting shall be given with the notice of said election.

Board of registration.

Time of meeting.

Notice to be given.

SEC. 22. The mayor and board of aldermen shall constitute the common council. They shall meet at such places as they shall from time to time appoint and on special occasions whenever the mayor, or person officiating in case of vacancy of the office of mayor or in his absence from the city or inability to officiate, shall appoint. In addition to the powers of the mayor as provided by act number two hundred and seventy-one

Common council, meetings of.

Veto power of mayor.

of the local acts of eighteen hundred and seventy-seven and the acts amendatory thereto, the said mayor shall have and is vested with the power to veto any and all measures or resolutions passed by the common council.

When votes of council to be recorded.

SEC. 25. Whenever required by a member, the votes of all the members of the common council in relation to any act, proceeding, or proposition had at any meeting, shall be entered at large on the minutes kept by the recorder and such vote shall also be entered in relation to the adoption of any resolution or ordinance, report of committee or other act for assessing or levying a tax upon the citizens of said city or involving the appropriation of money. And any resolution, ordinance or motion involving the expenditure of money, shall be upon a call of the roll by an aye and nay vote, and such vote shall be recorded at large on the record of said meeting.

When votes to be by yes and nay.

Board of review.

Meetings of board.

To hear complaints of aggrieved persons.

SEC. 44. The supervisor or assessor of said city, together with two qualified electors of each ward to be nominated and elected at each annual election, shall constitute a board of review of the assessments. At the time appointed for the review, the board shall meet at the place designated in the notice and continue in session two days for the purpose of reviewing and correcting such assessments, and for such purpose the board of review shall have the same powers and perform the like duties in all respects as is conferred upon and required of boards of review in townships. And in reviewing assessments they shall hear the complaints of all persons considering themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed or has been omitted from the roll, the board shall correct the roll in such manner as they deem just. And said board shall make a record of all changes made in the roll, which record shall be signed by them and deposited with the clerk.

Manner of levying and collecting taxes.

Council may extend time.

Compensation of mayor and aldermen.

SEC. 47. All State, county and school taxes in said city, and all city taxes which shall be raised by general tax, shall be levied and collected in the following manner: All State, county and school taxes in said city shall be levied and collected, as near as may be in the same manner as is provided by law for the assessment and collection of taxes by township officers and shall be collected at the time and in the manner as provided by the general statutes. All city taxes shall be collected before the first day of July in each and every year, unless the time for collection is extended by the common council. The common council may extend such time not exceeding one month. All proceedings for the return, sale and redemption of real estate, be the same for State, county, school or city taxes shall be the same as required by the general laws and statutes of this State.

SEC. 75. The mayor and each alderman shall receive for their services one dollar each for each regular or special session of the common council, which he or they attend, and the recorder shall receive such salary as the common council may prescribe.

This act is ordered to take immediate effect.

Approved June 30, 1891.

[No. 388.]

AN ACT to re-incorporate the village of Buchanan and to repeal all acts and parts of acts inconsistent with the provisions of this act.

ARTICLE I.

OF THE BOUNDARIES OF SAID VILLAGE.

SECTION 1. *The People of the State of Michigan enact,* Territory incorporated.
That all the tract of country situated in the county of Berrien, and State of Michigan, being in the township number seven south of range eighteen west, and described as follows: The south-west one-quarter of section twenty-five; the south one-half of the northwest one-quarter of section twenty-five; the southeast one-quarter of section twenty-six; the southwest one-quarter of section twenty-six; the south one-half of the northeast one-quarter of section twenty-six; the south one-half of the northwest one-quarter of section twenty-six; the northwest one-quarter of section thirty-six; the northwest one-quarter of section thirty-five; the northeast one-quarter of section thirty-five and so much of the southeast one-quarter of section thirty-five as is included in what is known and recorded as "Hobert's addition to the village of Buchanan." Also beginning at a point in the west line of section twenty-five, in said township and range, where said west line intersects the north line of the above described plat; thence north in said west line across the St. Joseph river to highway; thence southeasterly along said highway to a point directly opposite the place where the east line of the present corporate limits of said village of Buchanan intersects the St. Joseph river; thence south to the said east line of said village be and the same is hereby constituted a village corporate under the name and title of "the village of Buchanan."

SEC. 2. The first election of officers in said village under this act shall be held on the second Monday of March in the year of our Lord one thousand eight hundred and ninety-one, at engine house number one in said village. Time of first election.

SEC. 3. Notice of the time and place of holding such election, and of the officers to be elected, shall be given by the recorder of the village of Buchanan, by publication in a newspaper published in said village, at least five days previous to the day of holding such election, and by posting written copies of said notice in at least three public places within the said village. Notice of election.
The president of the village of Buchanan and the three trustees of said village whose term of office will first expire shall constitute the board of registration for said first election and said board shall meet on the Saturday previous to the day of holding said first election, at the office of the president of the village of Buchanan at nine o'clock in the forenoon of said Publication of notice.
Board of registration.
Time of meeting.

day, for the purpose of completing the list of qualified electors of said village, and such board shall have the power and proceed in the same manner, as near as may be, as is now provided by law for regulating and defining the power of boards of registration in townships.

Present ordinances to continue until repealed.

SEC. 4. All by-laws, ordinances and resolutions of the village of Buchanan as heretofore incorporated, not inconsistent with the provisions of this act or the general law of the State relating to incorporated villages shall be and continue in force until repealed.

Present officers to continue.

SEC. 5. The present officers of the village of Buchanan shall continue in office with the same powers and duties as are conferred by law upon like officers, until their successors shall be elected and qualified pursuant to the provisions of this act and the general law relating to villages entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereof.

If election not held when designated.

SEC. 6. In case officers of said village are not elected at the time designated in section two of this act, an election for officers in said village may be held at any time within one year from the time designated in section two of this act, on notice being given as provided in section three of this act.

Re-assessment of certain taxes.

SEC. 7. All taxes which were assessed in the village of Buchanan for the year eighteen hundred and ninety, and which have not heretofore, and shall not have been at the time of this act, shall take effect, collected or paid, may be re-assessed on the assessment [role] roll of the village of Buchanan for the year eighteen hundred and ninety-one, and when so assessed shall be a lien on the real and personal estate of the person to whom the same may be assessed, and may be collected at the same time and in the same manner as the taxes assessed for the year eighteen hundred and ninety-one.

Rights and property of village.

SEC. 8. The said village as incorporated, shall possess all the property and rights and be subject to all the liabilities and obligations of the village of Buchanan as heretofore incorporated.

Repealing clause.

Governed by general law.

SEC. 9. All former acts relating to the village of Buchanan, inconsistent herewith, are hereby repealed and said village of Buchanan shall be subject to and governed by the provisions of the general law of this State, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereof.

This act is ordered to take immediate effect.

Approved June 30, 1891.

[No. 389.]

AN ACT to authorize the city of Detroit, county of Wayne, State of Michigan, to issue bonds for the purpose of constructing public sewers in said city.

SECTION 1. *The People of the State of Michigan enact,* Authorized to borrow money.
That the common council and the board of estimates of the city of Detroit, county of Wayne, State of Michigan, be and are hereby authorized and empowered to borrow money on the faith and credit of said city and to issue bonds therefor to an amount not to exceed one million dollars, pledging the faith and credit of said city of Detroit for the payment of the principal and interest of the same, which money shall be expended for the construction of public sewers in the said city of Detroit: *Provided,* That a majority of the qualified electors of the said city of Detroit, voting at any regular charter election in said city, shall vote in favor of such loan: *And provided also,* That Proviso. at any one election the amount so voted shall not exceed the sum of five hundred thousand dollars. Proviso.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds shall be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times and with such rate of interest, not exceeding four per cent per annum, as said common council and said board of estimates shall direct, and shall be payable in not less than five nor exceeding fifty years from date. They shall be issued under the seal of the city, signed by the mayor, and countersigned by the controller, and said bonds shall be denominated "Public sewer bonds of the city of Detroit," and shall be regularly dated and numbered in the order of their issue and shall be of such denomination as said common council and said board of estimates shall direct. Said bonds shall not be negotiated at less than their par value. May issue bonds.
How denominated.
Shall not be sold.

SEC. 3. The controller shall keep an accurate record of said bonds showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the city treasurer and be credited to the "public sewer fund," and be applied exclusively to the purposes for which said fund is constituted as above. Controller to keep record of bonds.

This act is ordered to take immediate effect.

Approved June 30, 1891.

[No. 390.]

AN ACT to amend section thirteen of title four and section six of title five, of act number three hundred seven of the local acts of eighteen hundred eighty-five, being an act entitled "An act to revise and amend the charter of [the city of] West Bay City and to repeal all acts and parts of acts in conflict therewith," approved April first, eighteen hundred eighty-five, as amended and revised by the several acts amendatory and revisionary thereof.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That section thirteen of title four and section six of title five of act number three hundred and seven, of the local acts of eighteen hundred and eighty-five, being an act entitled "An act to revise and amend the charter of the city of West Bay City and to repeal all acts and parts of acts in conflict therewith," approved April the first, eighteen hundred and eighty-five, as amended and revised by the several acts amendatory and revisionary thereof, be amended so as to read as hereinafter set forth.

TITLE IV.

Members of
council not to
hold other office
or have interest
in contracts.

SEC. 13. No member of the common council shall be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by fees directed to be paid by any act or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any ordinance of the common council, nor be bondsman or surety on any contract or bond given to said city; but this section shall not be construed to prevent the mayor or recorder from receiving any salary which may be fixed by this act, nor from holding any office, nor to deprive any alderman of any emoluments or fees to which he may be entitled by virtue of his office. Any member of the council or officer of the city herein specified offending against the provisions of this section shall, upon conviction thereof, be fined not less than five hundred nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Penalty for.

TITLE V.

[ALDERMEN] ALDERMAN.

Duties of
aldermen.

SEC. 6. The [aldermen] alderman of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council. As conservators of the peace, they shall aid in main-

taining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

This act is ordered to take immediate effect.

Approved July 1, 1891.

[No. 391.]

AN ACT to declare certain abstracts of the records of the county of Charlevoix public records.

WHEREAS, A large portion of the records of the county of Charlevoix were destroyed by fire in the year eighteen hundred and eighty-seven; and

WHEREAS, An abstract of said records had previously been made, by and under the direction of A. R. Upright, formerly register of deeds of the said county, and others; and

WHEREAS, The said abstract has been purchased by the board of supervisors of the aforesaid county, and is now deposited in the office of the register of deeds of said county, as the property thereof.

SECTION 1. *The People of the State of Michigan enact,* That the said abstract be and the same hereby is declared to be and is established as a public record, and in all the courts of this State, and in all suits and proceedings therein, and before all officers of this State having jurisdiction in such suits and proceedings, the same may be read and shall be received, and admitted in evidence as such, and shall be *prima facie* evidence of the matters therein stated, and that the title to any real property described therein vested in the person or persons shown to be the owner thereof by said abstract at the time of the loss of said record to the extent that the said abstract vested title in them, and shall have the same virtue and effect as by the provisions of law the records of the office of the register of deeds possess. Abstract to be public record.

This act is ordered to take immediate effect.

Approved July 1, 1891.

[No. 392.]

AN ACT to provide salary of, and for appointment of clerks for the circuit court commissioners of Wayne county.

SECTION 1. *The People of the State of Michigan enact,* That the county auditors of Wayne county shall provide suitable rooms for each of the circuit court commissioners of said county, and also offices for the clerks [hereinafter] hereafter mentioned, which offices and rooms shall be contiguous to each other, and the said auditors shall further provide a docket for County auditors to provide rooms, office, etc.

each of said commissioners, and also all necessary furniture, heat, light, books, blanks and stationery for the use of said commissioners and clerks.

Salary of
commissioners.

Time offices to
be open.

SEC. 2. Each of said commissioners shall be entitled to receive from the treasury of the county of Wayne an annual salary of three thousand dollars, payable monthly on the certificate of said county auditors. One of said commissioners shall have his office open and shall be in attendance to the duties of his office therein from nine o'clock in the morning to twelve o'clock noon, and from one o'clock until five o'clock in the afternoon, the other from nine in the morning to one o'clock P. M., and from two until five o'clock in the afternoon, except on [all] legal holidays.

Clerks of Circuit
Court Com-
missioners, ap-
pointment of, etc.

SEC. 3. There shall be one clerk for each of said circuit court commissioners of Wayne county, to be known as the clerks for the circuit court commissioners, who shall be appointed by said auditors on the making and filing with them the written recommendation of each commissioner, but if for any reason no recommendation be so made and filed within ten days after this act shall go into effect, and within ten days after the first day of January in each year thereafter, the said board of auditors may appoint on their own motion, with the same effect as though such recommendation had been so made and filed by said commissioners, and his term of office shall be one year, dating from the first day of January in each year, except the first appointment which shall be from July first one thousand eight hundred and ninety-one until January first one thousand eight hundred and ninety-two, and he shall receive an annual salary of twelve hundred dollars, payable monthly from the treasury of said county for the faithful discharge of the duties of his office. It shall be the duty of each clerk to keep a true record of all business done by each of said commissioners, with the assistance of the said commissioners and to enter all judgments and orders made by said commissioners in the dockets, under the direction of the [commissioner] commissioners rendering or making the same; but after such entry each judgment shall be signed by the commissioner by whom the same was rendered, which dockets and all other books and files are hereby declared to be public property and to be open for inspection during the before mentioned office hours by any person, but no person shall be permitted by said clerks to remove any of the said records from his office or from the offices of the said commissioners. The said clerks shall also fill up all process and blank forms on request, and make all writs returnable to the said commissioners in regular rotation; and if upon the return day or adjourned day of any cause the commissioner issuing the process therein should be absent at the time to which the same was adjourned or made returnable, the other commissioner shall have jurisdiction to proceed therein as though it had been originally commenced before him; but the record thereof shall be entered in the docket of the commissioner issuing the original process. The said clerks

Salary of.

Duties of clerks.

shall also receive all costs and dues of every description which are provided by law in all proceedings before said commissioners, and shall pay the same weekly to the treasurer of the county and take his receipt therefor. They shall have power generally to administer oaths and to take affidavits, and before entering upon the duties of their office they shall each make and file in the office of the clerk of said county of Wayne a bond in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved by said county auditors conditioned that said clerks will weekly well and truly pay to said county treasurer all moneys received by them as said clerks for the use of said county, and otherwise faithfully discharge all the duties of their said office: *Provided*, That for the taking of testimony in all cases referred to such circuit court commissioners or by law required to be taken by them, no fees shall be charged except the actual cost of stenographic work and transcribing not to exceed ten cents per folio for the testimony so taken.

Clerks to give bond, etc.

Provided.

SEC. 4. Before any action or proceeding for the recovery of the possession of lands or buildings shall be commenced before either of said commissioners there shall be paid to his said clerk by the party bringing the same the sum of three and fifty one-hundredth dollars, and before the hearing of any such action or proceeding shall be commenced the further sum of one dollar, and any person demanding a jury shall advance the fees therefor, and the same shall be disposed of by the clerk as is now provided by law in justice's courts; and before any affidavit or appeal or writ of *certiorari* shall be served on either of said commissioners, in addition to the costs now provided by law for making returns to appeals or *certiorari*, the further sum of four dollars shall be paid to said clerk by the appellant or plaintiff in error, and the clerk therewith shall pay the entry fee in the circuit court and at the same time file therein the return to the appeal or *certiorari*, as the case may be. The moneys so paid shall be for the use of the said county, and shall be held in full of all fees now allowed by law to said commissioners from the commencement of such proceeding to and including the issuing of such final process as may be necessary to give effect to an order or judgment of such commissioner. The sum or sums so paid, including jury fees, shall be taxed as costs of suit in favor of the party paying the same, if he be the prevailing party in the action, in addition to any other to which he may be entitled by law. Any cause or proceeding pending before either of said commissioners in said county at the time this act goes into operation shall be heard and disposed of according to the law and practice now in force.

Fees to be paid to clerks before action commenced.

Fees to be for use of county.

SEC. 5. All writs or process issued in proceedings under the last preceding section, except subpoenas issued by either of the said commissioners to which this act applies, shall be directed to and be served by any constable of said county of Wayne, and by no other person except the sheriff or his deputy.

Writs, etc., to be served by constables or sheriffs.

Judges to pre-
scribe rules,
etc.

Repealing
clause.

SEC. 6. The judges of the circuit court for the said county of Wayne may prescribe rules to govern the practice before the said commissioners.

SEC. 7. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved July 2, 1891.

[No. 393.]

AN ACT to amend sections two, three, four, seven, nine, nineteen, fifty-one and fifty-seven of act number two hundred forty-nine of the local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred seventy-one, as amended.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact,* That sections two, three, four, seven, nine, nineteen, fifty-one and fifty-seven of act number two hundred forty-nine of the local acts of eighteen hundred seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred seventy-one, as amended, be amended so as to read as follows:

Division into
wards.

First ward.

SEC. 2. Said city shall be divided into six wards. The first ward shall include all that part of the city included in the following boundaries: Commencing at a point in the center of Thunder Bay river and the center of Second street; thence along the center of Second street to a point where it intersects the quarter line of section twenty-seven in said city; thence west along said quarter line to the west line of section twenty-eight; thence south on west line of section twenty-eight to the southwest corner of said section twenty-eight; thence east on south line of sections twenty-eight and twenty-seven to the shore of Thunder bay; thence along the shore of Thunder bay to the center of Thunder Bay river; thence up the center of Thunder Bay river to the place of beginning. The second ward of said city shall include all that part of said city within the following boundaries: Commencing at a point in the center of Thunder Bay river and center of Second street; thence along the center of Second street to a point where it intersects the quarter line of section twenty-seven; thence west along said quarter line to the west line of section twenty-eight; thence north on the west line of section twenty-eight to the northwest corner of section twenty-eight; thence east along the north line of section twenty-eight to a point in the center of the Thunder Bay river where the center of said river intersects the north line of section twenty-eight; thence along the center of said river to a point where the center of river intersects with section line between sections twenty-one and twenty-

Second ward.

eight; thence east along said section line to the northwest corner of northeast quarter of northeast quarter of section twenty-eight; thence south on quarter line to the southwest corner of northeast quarter of northeast quarter of section twenty-eight; thence east on quarter line to a point where it intersects the center of Fifth street; thence along the center of Fifth street to a point where it intersects the center of Teft street; thence along the center of Teft street to a point where it intersects the center of Washington avenue; thence east along the center of Washington avenue to a point where the center of Washington avenue intersects the center of Plains street; thence along the center of Plains street to a point where the center of Plains street intersects the center of Fifth street; thence along the center of Fifth street to the corners of lots twenty and twenty-one in block eight, city of Alpena; thence on line between said lots twenty and twenty-one to a point in center of Thunder Bay river opposite said line; thence along down center of said river to place of beginning. The ^{Third ward.} third ward of said city shall include all that part of said city included within the following boundaries: Commencing at a point in the middle of Thunder Bay river opposite a line between lots twenty and twenty-one in block eight; thence along between said lots twenty and twenty-one in block eight to Fifth street; thence along the center of Fifth street to a point where Fifth street intersects with the center of Plains street; thence along the center of Plains street to a point where the center of Plains street intersects the center of Washington avenue; thence along the center of Washington avenue to a point where the center of Washington avenue intersects with the center of Teft street; thence along the center of Teft street to a point where the center of Teft street intersects with the center of Fifth street; thence along the center of Fifth street to a point in the center of Fifth street where it intersects with the south boundary line of the northwest quarter of northwest quarter of section twenty-seven; thence west along said boundary line to the southwest corner of northeast quarter of northeast quarter of section twenty-eight; thence north to the northwest corner of the northeast quarter of northeast quarter of section twenty-eight; thence west to a point in the center of Thunder Bay river where it intersects with the section line between sections twenty-one and twenty-eight; thence up along the center of said river to a point where the center of said river again intersects the section line between sections twenty-one and twenty-eight; thence west to the west line of sections twenty-one and twenty-eight; thence north to the center of Thunder Bay river; thence down along the center of said river to a point where the center of said river intersects section line between sections twenty-one and twenty-eight near Potter's lumber mill; thence east along said section line to the southeast corner of section twenty-one; thence north along the east boundary line of section twenty-one to a point where it intersects the center of Ninth street;

thence along the center of Ninth street to a point opposite the center of Ninth street in the center of Thunder Bay river; thence down and along the center of Thunder Bay river to the place of beginning. The fourth ward of said city shall include all that portion of said city lying westerly and southerly of Thunder Bay river not included in said wards, one, second and third. The fifth ward of said city shall include all that part of the city included within the following boundaries: Commencing at a point on the shore of Thunder bay directly opposite a line between lots one and two in block one of Wade's addition of the city of Alpena; thence along in a direct line to the corners of lots one and two; thence on line between said lots to Mill street; thence to and across Mill street to a point where Mill street intersects the center of Lake street; thence along the center of Lake street to a point where the center of Lake street intersects the section line between sections twenty-two and twenty-three; thence north on said section line between sections twenty-two, twenty-three, fifteen and fourteen to the northeast corner of the northeast quarter of the southeast quarter of section fifteen; thence west in a direct line to the northwest corner of the northwest quarter of of the southwest quarter of section sixteen; thence south along the west line of sections sixteen and twenty-one to the center of Thunder Bay river; thence down along the center of Thunder Bay river to a point in center of said river directly opposite the outside boundary line of the Gilchrist lumber dock; thence along the outside boundary line of Gilchrist lumber dock and the shore of Thunder bay to the place of beginning. The sixth ward of said city shall include all that portion of said city lying on the easterly and northerly side of said Thunder Bay river and not included in said fifth ward. Each ward shall be an election district by itself, but it shall be lawful for the common council at any time to divide the several wards of the city, or any of them into convenient election precincts, for the purpose of holding all elections; and in case any ward or wards shall be so divided, the provisions of the general laws of this State and of this act, relating to elections other than in towns, shall be applicable, except as herein otherwise provided; and the common council shall also provide for inspectors of election and boards of registration, and registration of electors therein and the canvassing and return of all votes.

Fourth ward.

Fifth ward.

Sixth ward.

Election districts.

Council to provide for inspectors and registration.

Officers to be elected.

When elected and term of office.

SEC. 3. The following officers of the corporation shall be elected at the annual city election on a general ticket, by the qualified electors of the whole city, viz.: A mayor, one comptroller who shall be *ex officio* assessor of the city, one recorder one treasurer who shall be *ex officio* collector, three justices of the peace, in each ward, one supervisor, two aldermen, one member of the board of education, and a constable shall be elected. The mayor, treasurer, comptroller and recorder shall be elected bi annually, and shall hold their offices for two years from the second Monday in April of the year when

elected and until their successors are elected and qualified. One justice of the peace shall be elected annually who shall hold his office for the three years; justices of the peace who shall be elected for the full term of three years shall enter upon the duties of their office on the fourth day of July next after their election. The term of office of the supervisor shall be for one year from the second Monday in April of the year when elected and until their successors are elected and qualified: *Provided*, That a special election shall be held in said city of Alpena within thirty days after this act shall take effect. The special election to be held in the first ward shall be held in the building owned by Julia Farewell, on Washington avenue, and the inspectors of said election in said ward shall be Seth A. L. Warner, Joseph B. Comstock, and Casper Alpern; and the special election to be held in the second ward shall be held in the building known as the city hall on River street, and the inspectors of election in said ward shall be Charles W. Trask, August [Fournier] Fournier, and Franklin S. Dewey, and the special election held in the third ward shall be held in the building owned by Charles Brown, on Lockwood street, and the inspectors of election in said ward shall be Lee De Champagne, George Monaghan, and Joseph Cavanagh, and the special election to be held in the fourth ward shall be held in the building owned by James F. Grant, on Chisholm street, and the inspectors of election in said ward shall be Martin Crawford, Charles Cook, and Murdock Grant, and the special election to be held in the fifth ward shall be held in the building known as the third ward engine house, on Fletcher street, and the inspectors of election in said ward shall be John J. Murphy, Edward O. Avery, and Alexander McKinzie, and the special election to be held in the sixth ward shall be held in the store building owned by Charles Renke, on Dock street, and the inspectors of election in said ward shall be Otto Gjourn, John Tindal, and John Beck, said special election to be conducted and canvassed in the same manner as elections for city officers. Notice of the time and [places] place of such special election in said wards shall be given by the city recorder by printed or written notices, posted up in three public places in each of said wards in said city at least ten days prior to the holding of said special election. That the city recorder of said city shall at least ten days prior to the special election furnish the inspectors of each ward a list duly verified by him, of all the voters registered in said city, and said inspectors shall from such list so furnished, and from actual canvass make a list of the qualified electors in each ward, and enter their names and [residences] residence in a book to be furnished for that purpose; and such book shall be the register of electors for such ward, and immediately after election shall be deposited with the recorder of the city. The chairman of the board of inspectors of each ward shall on Friday and Saturday preceding said special election meet at the places designated where special election is to be held in each ward for the purpose of completing the list of qualified

Proviso as to special election.

Special election in first ward, where held, Inspectors in first ward.

Special election in second ward, where held, Inspectors in second ward.

Special election in third ward, where held, Inspectors in third ward.

Special election in fourth ward, where held, Inspectors in fourth ward.

Special election in fifth ward, where held, Inspectors in fifth ward.

Special election in sixth ward, where held, Inspectors in sixth ward.

Notice of elections.

Inspectors to be furnished list of registered voters.

Inspectors to make list for each ward.

Registration books to be deposited with recorder.

Board of registration, time and place of meeting, etc.

**Election of
aldermen, term
of office, etc.**

**Supervisor, term
of, etc.**

**Member of board
of education,
term of, etc.**

**Constable, term
of, etc.**

**Officers elected
at subsequent
elections.**

**Ward officers
and terms of
office.**

**Election of
supervisors.**

Powers of.

First election.

voters for each ward at which time it will be the right of any person who will be an elector at such election, and whose name is not already registered, to have his name entered in the register. At such special election there shall be elected two aldermen in each ward by the electors thereof, one of whom shall hold his office for the term from the time when elected to the second Monday in April, A. D. eighteen hundred ninety-two, and until his successor is elected and qualified, and the other for the term from the time when elected to the second Monday in April, A. D. eighteen hundred ninety-three, and until his successor is elected and qualified; one supervisor for each ward who shall hold his office for the term from the time when elected to the second Monday of April, A. D. eighteen hundred ninety-two and until his successor is elected and qualified, one member of the board of education for each ward and who shall hold his office for the term from the time when elected to the second Monday in April, A. D. eighteen hundred ninety-two and until his successor is elected and qualified; one constable for each ward who shall hold his office for the term from the time of his election to the second Monday of April, A. D. eighteen hundred ninety-two and until his successor is elected and qualified, the said terms to be designated on the ballot by the electors, and at each annual election thereafter to be held, one alderman who shall hold his office for two years; one supervisor, one member of the board of education, and one constable, who shall each hold his office for one year shall be elected in each ward by the electors thereof.

SEC. 4. At the annual election to be held in said city in the year eighteen hundred and seventy-one, there shall be elected two aldermen in each ward by the electors thereof, one of whom shall hold his office for the term of one year and the other for the term of two years, and until their successors shall be elected and qualified, and the term for which the person voted for is intended, shall be designated on the ballot; and at each annual election thereafter to be held, one alderman shall be elected in each ward by the electors thereof, who shall hold his office for the term of two years and until his successor shall be elected and qualified; at the annual election in the year eighteen hundred and ninety-two, and each annual election thereafter, there shall be elected in each ward by the electors thereof, one supervisor and one constable, who shall hold their offices for the term of one year and until their successors shall be elected and qualified. Each of the said supervisors shall be the supervisor of the ward of which he is elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors except as in this act otherwise provided. The first election under this charter shall be held at the place and under the same notice that elections have heretofore been held in the village of Alpena on the first Monday of April, eighteen hundred and seventy-one, or on any day thereafter, upon giving the like notice in case

said elections should not be held on the day hereinbefore designated.

SEC. 7. The common council shall have power to appoint an attorney, a street commissioner, a director of the poor, a board of police commissioners composed of four electors of said city, upon the nomination of the mayor, a chief and one or more assistant engineers of the fire department, and such other officers whose election or appointment is not herein specially provided for as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove from office any of its own members or any other elective officer, except the mayor, recorder, and justice of the peace, for corrupt, or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office or for any violation of any of the ordinances of the common council, by a vote of two-thirds of all the aldermen elect; and in such case the reason for removal shall be entered in the records of the common council with the names and votes of the members voting on the question. No officer holding office by election shall be removed by said council unless first furnished with a copy of the charges against him, in writing, and allowed to be heard in his defense with aid of [counsel] council; and the common council shall have power to issue subpoenas to compel the attendance of witnesses and the production of papers when necessary, and shall proceed within twenty days after service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer to such charges, his default may be deemed good cause for removal.

Officers to be appointed by council.

Removal from office.

Elective officers to be furnished with copy of charges.

SEC. 9. The common council, in addition to the powers and duties specially conferred on them by this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the city, and make such orders, by-laws or ordinances relating to the same as they shall deem necessary and proper. They shall also have power within the limits and jurisdiction of said corporation:

General powers and duties of council.

First, To provide for and preserve the purity and salubrity of the waters of Thunder bay and Thunder Bay river; to prohibit and prevent the depositing therein sawdust, slabs, shingle shavings, edgings and all filthy and other matter tending to render said waters impure, unwholesome and offensive, to preserve and regulate the navigation of said river and other navigable waters within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting and mooring of vessels and laying out of cargoes and ballast from the same, and to appoint so many harbor-masters as they may deem necessary and to prescribe their powers, duties and compensation;

To preserve salubrity of waters, etc.

To appoint harbor-masters.

To license
ferries, bridges,
etc.

Second, To license, continue and regulate so many ferries and bridges within said city over Thunder Bay river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good;

May erect,
repair, etc.,
public wharves,
etc.

Third, To erect, construct, repair and regulate public wharves, docks and bridges at the ends of streets and on the property of the corporation, and issue the bonds of the city therefor; to regulate the erection and repair of private wharves and docks so that they shall not extend into the Thunder bay and Thunder Bay river beyond a certain line to be established by the common council, and to prohibit the incumbering of all public docks, wharves and bridges within the limits of said corporation;

To lease wharves.

Fourth, To lease the wharves and wharfing privileges at the ends of streets on Thunder Bay river and shore of Thunder bay, in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance as the common council may direct; but no buildings shall be erected thereon and no lease thereof shall be executed for a longer period than twenty years, and a free passage shall at all times be secured for persons with their baggage over said public wharves;

To provide
for drainage.

Fifth, To provide for the draining of any swamp, marsh, wet or low lands in said city by the opening of ditches; but a jury of not less than twelve disinterested freeholders of the county of Alpena, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also whether the benefit which shall accrue to the owner or owners of any land from the opening of the ditch will or will not be equal to any damages he or they will sustain thereby.

In case damages
exceed benefits.

If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefit their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements to cut and open said ditch; to protect, clean and scour it from time to time, so as to preserve the original dimensions, and to prohibit and prevent all obstructions thereof or injury thereto;

To prescribe
fire limits.

Sixth, To prohibit and prevent the location, construction, repair or the building of any addition thereof to any wooden or frame house, store, shop or other building on such streets, alleys and places, or within such limits within said city as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot in such streets, alleys or places or within said limits and the repair or rebuilding of the same; to prevent the rebuilding and repairing of wooden buildings on said streets, alleys and places or within said limits when damaged by fire or otherwise;

Seventh, To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation; To appoint inspectors, weighers, etc.

Eighth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing, in vessels or in other mode, to said city from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor; To provide for care of paupers.

Ninth, To erect and provide for the erection of a city hall and all needful buildings and offices for the use of the corporation or its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same; To erect city hall.

Tenth, To prevent vice and immorality; to preserve public peace and good order; to appoint, organize, regulate and maintain a police of the city and to prevent and quell riots, disturbances and disorderly assemblages and conduct; To prevent vice, etc. To maintain a police.

Eleventh, To restrain and prevent disorderly and gaming houses and houses of ill-fame, and the persons engaged in keeping the same, the holding, keeping or using of all instruments and [devices] divises used for gaming, and to prohibit all gaming and fraudulent [devices] divises and regulate, license or restrain billiard tables and bowling alleys; To restrain gaming houses.

Twelfth, To prohibit the vending or giving away of spirituous or fermented liquors, and to license and regulate the sale thereof, whenever such sale shall hereinafter to authorized by the laws of the State; To prohibit sale, etc., of liquors.

Thirteenth, To apprehend, restrain and punish all drunkards, vagrants, mendicants, street beggars, prostitutes and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct; To restrain drunkards.

Fourteenth, To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations or companies, concerts, musical entertainments, exhibitions of common showmen and dollar stores, and prohibit and prevent mock auctions, gift stores or enterprises or lotteries; To regulate exhibitions, auctions, etc.

Fifteenth, To prohibit, prevent, abate and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop, or stall, soap factory, glue factory, tannery, slaughter-house, stable, privy, hog-pen, sewer or other offensive house or place, to cleanse, remove or abate the same as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city; To abate nuisances, etc.

Sixteenth, To direct and regulate the location and maintenance of all slaughter-houses, markets and buildings for storing gunpowder, and other combustible substances, and to prohibit or regulate the buying, selling, keeping for sale, storing or transporting gunpowder, naphtha, saltpetre, benzole, petroleum, Slaughter-houses combustible materials, etc.

kerosene oil, fire-works, fire-crackers and all other combustible substances, and the using thereof; the use of lights in barns, stables and other buildings, and the making of bonfires;

To prevent
incumbering of
streets.

Seventeenth, To prevent the incumbering or obstruction of streets, side or cross-walks, lanes, alleys, bridges, wharves or slips, in any manner whatsoever, and to compel persons owning or occupying adjacent premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions;

Immoderate
driving.

Eighteenth, To prevent immoderate riding or driving in any street, to compel persons to fasten or secure their horses, oxen or other animals, while standing in any of the streets, lanes or alleys of the city; and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood or other obstructions;

Relative to dogs.

Nineteenth, To prevent and regulate the running at large of dogs; to impose taxes for the keeping of dogs; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance;

Relative to
railroads.

Twentieth, To restrain and regulate the use of locomotives, engines and cars upon railroads within the city, and to determine, designate or cause to be changed the routes and grades of any railroad now or hereafter to be laid in any street in the city; to authorize and regulate the construction and running of street railways in any of the streets in said city;

Indecency, ob-
scenity, etc.

Twenty-first, To prohibit and prevent, in the streets or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition of any indecent or obscene books, pictures or pamphlets, and all indecent and obscene exhibitions or shows of any kind, and all indecent, immoral, profane, or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters within or adjoining said city;

Pounds and
impounding of
animals.

Twenty-second, To establish, regulate and maintain one or more pounds, and to restrain and prevent or regulate the running at large of horses, cattle, swine and other animals, geese and poultry and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Violations of
the Sabbath.

Twenty-third, To prevent every species of gambling, and to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose;

Cemeteries and
burial of dead.

Twenty-fourth, To protect and regulate all cemeteries or grave-yards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead and the keeping of bills of mortality;

Unwholesome or
offensive sub-
stances.

Twenty-fifth, To prohibit the bringing or depositing within the limits of said city any dead carcass or any other unwholesome or offensive substances and to provide for the removal or destruction thereof wheresoever found;

Markets, parks,
etc.

Twenty-sixth, To lay out, establish, make, alter and regulate market places and public parks or grounds, and regulate the

measuring and selling of fire-wood and the weighing and selling of hay and the selling of meats, vegetables, fish, fruits and provisions of all kinds;

Twenty-seventh, To regulate the setting of awning and other posts and to direct and regulate the planting of shade or ornamental trees in the streets and other public grounds, and to provide for the preservation of the same; Awning posts, shade trees, etc.

Twenty-eighth, To provide for calling of meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a two-thirds vote of the common council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council shall deem reasonable, and to prescribe, fix, determine and regulate the powers and duties of all officers of the city, subject to the provisions of this act; Meetings of electors, compensation of officers, etc.

Twenty-ninth, To survey, ascertain, and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares and spaces in said city, to prohibit and remove all encroachments upon the same in any manner, and to number the buildings; Boundaries of city, streets, etc.

Thirtieth, To license and regulate the keeping of hotels, taverns and other public houses, groceries and keepers of ordinary saloons, and victualing and other houses or places for furnishing meals, food or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys, also to license and regulate or prohibit auctioneers, hawkers, peddlers, and pawnbrokers, and regulate auctions, hawking, and pawnbrokerage; Public houses, auctioneers, etc.

Thirty-first, To license and regulate butchers and keepers of shops, stalls, and stands for the sale of meats, vegetables and provisions of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire; to designate stands for all carriages, carts or drays used in carrying persons or property for hire and prescribe their fare and compensation; Butchers, shop-keepers, draymen, etc.

Thirty-second, To regulate the weights and measures used in the city; to appoint one or more sealers of weights and measures, and prescribe the duties and powers thereof, and the penalty for using false weights and measures, not conforming to the standard as established by the laws of this State; Weights, measures, etc.

Thirty-third, To assess, levy, and collect taxes for the purposes of the corporation, upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed until paid; to appropriate money, provide for the payment of the debts and expenses of the city and make regulations concerning the same; Relative to taxes, appropriations, etc.

Thirty-fourth, To punish all offenders for violation of, or offenses against this act, or any by-law or ordinance adopted or Punishment of offenders, etc.

Limit of fines
and imprison-
ment.

Employment of
prisoners.

May make
necessary or-
dinances.

May purchase
land for cem-
etry.

May appoint
police commis-
sioners.

Terms of.

Annual appoint-
ment of succe-
sors.

passed under this or any other act of the Legislature, by holding to bail for good behavior, by imposing fines and costs and by imprisonment in the jail of Alpena county, or any jail, prison, or work-house of said city, or by imprisonment in the Detroit House of Correction or State House of Correction and Reformatory at Ionia, or by either such fine and imprisonment, in the discretion of the court before which said conviction may be had. If only a fine is imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the common council, shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment shall exceed one year;

Thirty-fifth. To employ all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house or prison, at any work or labor, either within or without the same, or upon any street or public work under the control of the common council and at the expense of said city; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor and to fix the value and price of such work at not less than one dollar for each day of labor of eight hours. The said common council shall have power to make all such other by-laws, ordinances and regulations as they deem necessary for the safety and good government of the city, and to preserve the health and property of the inhabitants thereof. They shall also have power to purchase for the use of the city, so much lands without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city; and in case said council is unable to agree with the owner, or owners for the purchase of such land, they shall have the right to acquire the title to the same for the city in the manner and by the proceeding, as near as may be, as is prescribed in this act relative to laying out or altering streets, lanes, or alleys;

Thirty-sixth. The common council shall have power, and they shall, after the annual election in eighteen hundred ninety-two, and before May first, eighteen hundred ninety-two, upon the nomination of the mayor, appoint a board of police commissioners, composed of four electors of said city, one of said commissioners, to be designated by said council at the time of such appointment, shall hold such office for one year from and after said date; one to be likewise designated shall hold such office for two years; one to be likewise designated, shall hold such office for three years; and one to be likewise designated, shall hold such office for four years from said first day of May, eighteen hundred ninety-two. And hereafter in each and every year, the common council shall, between the annual election and first day of May, appoint upon the nomination of the

mayor, a successor, who shall be an elector of said city, to the member of said board whose term of office shall expire on the first day of May in that year; each of said persons so appointed shall hold such office for the period of four years from and after the first day of May in the year in which he was appointed, and until his successor is appointed and qualified, and all vacancies occurring in said board shall be filled in same manner as the original appointments. Each of said commissioners shall, before entering upon the duties of such office, take and subscribe the constitutional oath [of] office, and file the same with the recorder. The board of police commissioners shall, on the first day of May in each year, appoint a marshal who shall qualify, as herein provided, and serve for one year from said first day of May, and until his successor is appointed and qualified. Said board of police commissioners shall have control and management of the police department of said city, and upon the nomination of the marshal, shall appoint such number of [policemen] policeman or deputies as they may think proper who shall hold such appointment during the pleasure of said board. The said board of police commissioners shall hold such meetings, and adopt such rules for their own procedure and the government of the police department as they shall deem wise and necessary, and the recorder shall attend all meetings of said board, and under their direction, keep a record of the proceedings thereof. Said board shall serve without compensation.

Oath of office.

Appointment of marshal.

Board of police commissioners to control police

Meetings of board.

SEC. 19. The common council shall have power to cause the expense of making, grading, paving and opening streets, lanes, and alleys; of building, repairing, grading, paving or planking sidewalks; or making drains, sewers and other local improvements, to be assessed against and paid by the owners of the lots or premises which are in front or adjoining such improvements, and against any other lot or premises which are, in the opinion of the common council, benefited thereby; or by general tax, or by part special and in part general tax, as they may deem just and proper. The common council shall also have the power to make by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may by such by-laws and ordinances, provide that the real estate assessed for any such improvements, may be sold to pay such assessments; or that the city of Alpena may sue for and collect in any court of competent jurisdiction, the amount of such assessment from the owner of any lot or premises assessed therefor. The common council may cause the repairing of sidewalks, to be paid out of the general street and sewer fund.

Contiguous property to be taxed for grading of streets, etc.

Council to regulate assessing, etc., of tax.

SEC. 51. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the board of police commissioners shall direct and require. He shall be chief of the police, and it shall be his duty to serve all process that may be lawfully delivered to him for service, to see that all by-laws and ordinances of the common council are promptly and effi-

Marshal to give security.

To be chief of police.

To obey mayor,
etc.

To appoint
deputies.

To have powers
of sheriff and
constables.

Salaries of
officers.

Salary not to be
changed during
term.

Proviso.

ciently enforced, and especially those which may be passed to carry into effect the powers granted by section nine of this act. He shall obey all lawful orders of the mayor, and may command the aid and assistance of all persons in the discharge of the duties imposed upon him by law. He may appoint such number of deputies or policemen as the board of police commissioners shall direct and approve, who shall have the same powers and perform the same duties as the marshal, except his power and duties as deputy treasurer, and for whose official acts he shall be in all respects responsible; and the marshal and policemen shall have the same power to serve and execute all process in behalf of the corporation of said city as sheriffs and constables have by law to execute similar process, and they may perform all such duties with reference to serving and executing all civil or other process, and attending courts, that constables are by law authorized to perform. The marshal may be removed at any time by the board of police commissioners.

SEC. 57. The salaries of all officers whether elective or appointed, shall be fixed by the common council at their first regular meeting in the month of March, prior to the commencement of the term of such officers; all officers shall receive such salaries as may be fixed by the common council but not exceeding the following amounts: Mayor, two hundred dollars per annum; comptroller, one thousand dollars per annum; recorder, six hundred dollars per annum; treasurer, three hundred dollars per annum and fees; city marshal, one thousand dollars per annum and fees; chief engineer, five hundred dollars per annum; street commissioner, nine hundred dollars per annum; police justice, twenty-five dollars per annum and fees; city attorney, one thousand dollars per annum; [aldermen] alderman, one dollar and fifty cents for each attendance upon the meetings of the common council; all other officers, such compensation as may be determined by the common council. The salary or rate of compensation of any officer elected or appointed by the authority of this act, shall not be increased or diminished during his term of office, unless by a two-thirds vote of all the [aldermen] alderman elect: *Provided, however,* That aldermen and supervisors may receive in addition to their salaries, such compensation as the council may allow them for services on the boards of registration as inspectors of election and service on committees.

SEC. 2. All acts [and] or parts of acts contravening the provisions of this act is hereby repealed.

This act is ordered to take immediate effect.

Approved July 2, 1891.

[No. 394.]

AN ACT to authorize the township of McMillan in the county of Ontonagon, to borrow money to be used in building a bridge and approaches thereto in said township and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That the township board of McMillan township in the county of Ontonagon is hereby authorized and empowered to borrow on the faith and credit of said township not to exceed the sum of four thousand dollars, and to execute coupon bonds therefor to build a bridge across the Ontonagon river at the village of Ewen in said township.

Authority to borrow money and execute bonds.

SEC. 2. The township board of said township shall have power to and it shall be their duty to fix the time of payment of such bonds, the same not exceeding the period of ten years from the date thereof, and the place of payment and to fix the rate of interest to be borne by said bonds not exceeding six per cent per annum, payable annually; and such bonds shall be signed by the supervisor of said township and countersigned by the township clerk and shall be negotiated by the treasurer of said township; and the date of the sale thereof shall be indorsed on each of said bonds and signed by said treasurer. The money received from such bonds and all other moneys received to aid in building such bridge shall be paid into the township treasury subject to and to be paid out on the order of the supervisor, township clerk and highway commissioner or any two of them as provided in this act. The township clerk shall enter upon the book of township records a full description of such bonds, giving their date, number, amount, rate of interest, when payable and when delivered to the township treasurer to be negotiated, and shall charge the said treasurer with the amount thereof. Said bonds shall in no case be disposed of for a sum less than their par value.

Township board to fix time of payment.

Who to authorize payment of money.

Not to be sold for less than par.

SEC. 3. The bonds aforesaid shall not be issued nor said bridge built unless a two-thirds vote of the electors of said township voting thereon shall vote therefor at a special township meeting to be held in said township as provided in this section. It shall be the duty of the township clerk of said township to give notice of a special meeting of the said electors to vote upon said question by posting written or printed notices of such meeting in three public places in each of the voting precincts of said township at least ten days before the time fixed in said notice for such meeting stating the time and place when and where the same will be held. The inspectors of election of said township shall be the inspectors at such special meeting and the vote shall be by ballot inscribed, "For the bridge loan—Yes;" or, "For the bridge loan—No," and such ballots shall be either written or printed or partly written or partly printed; and it shall be the duty of the township clerk, and inspectors of election to provide at the polls of such

Bonds not to issue unless authorized by electors.

Notice of special meeting.

Form of ballot and manner of conducting election.

Special commissioners to have charge of building bridge.

Shall procure drawings.

Provide.

Commissioners to contract for building bridge.

Amount of bonds to be raised by tax.

Special bridge tax.

election during the whole time while the same shall be open a sufficient number of said ballots both for and against such proposition, as shall be necessary to supply all the electors desiring to vote thereon. And such inspectors shall conduct said election and canvass such vote as in other township elections and make duplicate certificates of the result of such vote as in other township elections and make duplicate certificates of the result of such vote signed by them or a majority of them, one of which shall be deposited with the township clerk and the other with the clerk of Ontonagon county.

SEC. 4. The supervisor, clerk, and commissioner of highways of said township, for the time being, shall be special commissioners to have charge of the building of such bridge and the action of any two of them shall be legal and binding. It shall be their duty as soon as practicable after the electors have voted to bond said township as above provided to procure detailed drawings and specifications for such bridge and to deposit the same with the township clerk in his office subject to inspection and to advertise in some newspaper printed in said county for sealed proposals for the building of such bridge, and furnishing the materials therefor, and to contract therefor with the lowest responsible bidder, who shall give to said township bonds for the performance of his contract satisfactory to said special commissioners: *Provided*, Such lowest bid does not exceed the amount that may be lawfully applied to the building of such bridge.

SEC. 5. Said special commissioners or any two of them may and it shall be their duty in behalf of said township to enter into a contract for the building of said bridge and furnishing the materials therefor, and they or any two of them are hereby authorized to draw their orders upon said treasurer to pay for such work and materials as the same shall become due and payable according to the terms of such contract.

SEC. 6. In case of the issue of such bonds it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also any installments of the principal thereof falling due in such year, and said tax may be entered in a separate column on the assessment and tax rolls of said township under the name of "special bridge tax," and the said interest shall be payable by said treasurer after the same shall become due on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bonds, and if in any year there should not be a sufficient amount collected by said treasurer from the levy of such special bridge tax, for such year, to pay the installments of principal and interest due in that year, the said treasurer may supply such deficiency and pay the same from any moneys in his hands belonging to the general highway or bridge funds of said township.

SEC. 7. When said bridge shall be completed, it shall be controlled and kept in repair by the township of McMillan. Bridge to be controlled by township.
 This act is ordered to take immediate effect.
 Approved July 2, 1891.

[No. 395.]

AN ACT to authorize the formation of companies for the [construction] construc-, maintenance and operating of sewers in any of the cities in Muskegon county, in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact,* Organization of company to construct sewers.
 That whenever the common council of any city in this State shall, by resolution, declare that it is expedient to have sewers constructed in such city, or any designated portion thereof, but that it is inexpedient for such city, under the power granted in its charter to construct such sewers, it shall be lawful for any number of persons, not less than five, to organize a company for the purpose of the construction of sewers in such city, and such corporation shall have all the powers and privileges prescribed in regard to corporations in chapter fifty-five of the revised statutes of eighteen hundred forty-six, and chapter one hundred thirty of compiled laws of eighteen hundred seventy-one, and chapter one hundred ninety-one of Howell's Annotated Statutes. They shall be capable of suing and being sued in any court in this State, and shall have a common seal and may alter or amend the same at pleasure; they may elect in the manner they may determine, all necessary officers, and fix their compensation and determine their duties, and make, from time to time, such by-laws, not inconsistent with the constitution and laws of this State, as a majority of the directors may choose. May sue and be sued.

SEC. 2. Any number of persons not less than five, who shall associate according to the provisions of this act under any name assumed by them to form a company for the purpose of constructing sewers in any city shall, under their hands and seals, make and acknowledge before some person authorized by the laws of this State to take acknowledgments of deeds a certificate which shall specify: Shall make certificate.

First, The name by which such company shall be known; Shall specify name.

Second, The object for which such company shall be formed, and the territory to be covered by its operations; Object.

Third, The amount of capital stock of said company, and the number of shares into which the same is divided; Amount of stock.

Fourth, The amount of capital stock actually paid in; Amount paid in.

Fifth, The names of the stockholders, their respective residences, and the number of shares held by each; Names, etc., of stockholders.

Sixth, The name of the city and county in which the operations of the company are to be carried on, and the place in this State where the office for the transaction of its business is located; Name of place where office is located.

**Term of
existence.
Certificate to be
filed with Secre-
tary of State.**

Seventh, The term of years the corporation is to exist, not exceeding thirty. And shall cause the same to be filed with the Secretary of State of this State, and recorded in the county clerk's office of the county or counties in which such company shall conduct its business. They shall become incorporated under the name and style provided in such certificate, and are hereby authorized to carry on the operations named in such certificate of incorporation, and shall, with their successors and assigns, be deemed a body politic and corporate, in fact and in name, under any name assumed by them in their articles of association.

**May acquire
and hold prop-
erty.**

SEC. 3. Every such corporation shall, by its name, have power to acquire and hold such real and personal estate as shall be necessary for carrying on the business of said corporation.

Limit of capital stock.

SEC. 4. The amount of capital stock in every such corporation shall be fixed by the stockholders in their articles of association, but shall in no case be less than five thousand dollars; said stock may be increased from time to time as may be directed by the stockholders, and when the same is so increased, the same record shall be made of the fact, with the name of the stockholders as required by section two of this act and all the stock of said company shall be divided into shares of twenty-five dollars each.

When officers may be elected.

SEC. 5. The officers shall be elected by the stockholders when fifty per cent of the stock shall be subscribed and ten per cent of the amount subscribed paid in, and after a notice of at least two weeks has been given in some newspaper printed in the place where the said business is to be located, said notice to be signed by at least three stockholders and the officers elected shall hold their office one year, and until their successors are elected; said officers shall have the general superintendence of the affairs of the company, and the management of the business and may call special meetings of the stockholders, and a majority of the stockholders shall constitute a quorum at all meetings, and at all meetings each share shall be entitled to one vote, either in person or by proxy.

Powers of corporation.

SEC. 6. Any corporation formed under this act shall have power to build, construct and maintain sewers in any city in this State, or in any designated portion thereof named in its articles of incorporation, and where the said corporation is located, and to acquire and hold such real estate as may be necessary, and convenient buildings, fixtures and other appurtenances incident and necessary; and to build, construct and lay sewers with connecting drains, catch-basins and flushing tanks, in and through the streets, avenues, lanes, alleys or squares of said city: *Provided, however,* That before any such sewers shall have been laid in any street, alley or other public ground of said city, the permission of the municipal authorities of such city shall have first been obtained, and a survey and plan of such proposed sewer shall have been approved by such municipal authorities and the use thereof prescribed under such

Proviso.

reasonable regulations as such municipal authorities may impose.

SEC. 7. The stock of every such corporation shall be deemed personal property, and certificates of stock shall be issued to each stockholder on the full amount of his subscription being paid in; the said certificates of stock may be transferable, but the transfer shall not be valid unless a record shall be made of the same in the books of the company, in such form as the directors shall prescribe.

Stock to be deemed personal property.

SEC. 8. The directors may call in subscriptions to the capital stock of such corporation by installment, in such portions as they deem best, by giving notice thereof as provided by the by-laws; and in case any stockholder refuses or neglects to pay any such installment for the space of sixty days after the same shall become due and payable, and after he shall have been notified thereof, the stock of any such delinquent stockholder may be sold by order of the directors, at public auction, at the office of said company, after thirty days' notice published in some newspaper in the county where the corporation is located, and the proceeds of said sale shall be first applied in the payment of the installment called for, and the expense of the sale, and the residue shall be refunded to the former owner thereof, and such sale shall entitle the purchaser to all the privileges of a stockholder to the extent of the share so bought.

When shares of stockholder may be sold.

Notice of sale to be published.

SEC. 9. The stockholders of all corporations organized under this act shall be individually liable for labor debts contracted by said corporation during the time they were stockholders as aforesaid, which said liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned not satisfied against such company: *Provided, always,* That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have a right to call upon the stockholders to contribute their part of the sum paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Stockholders individually liable for debts.

Provide.

SEC. 10. There shall be an annual meeting of the stockholders at such time and place as the by-laws of the corporation shall designate for the election of directors, and the transaction of business of the corporation. Special meetings of the stockholders may be called by the directors.

Annual meeting of stockholders.

SEC. 11. The officers of such company shall be a president who shall also be a director, a secretary, a treasurer, and such other officers, agents and servants as the board of directors shall deem necessary for the transaction of the business of the company. Such officers shall be elected annually, by the directors, and may be required to give bonds, with penalty and sureties, to [the] be [approval] approved by the board of directors.

Officers of the company.

When elected.

SEC. 12. Whenever any such company shall have been duly organized it shall be the duty of the common council of any such city, by ordinance or resolution to grant to such company

Right to use streets, etc.

Council to
prescribe limita-
tions.

Tolls, rents,
etc.

Restriction
relative to
annual income.

When council
may purchase
company's
property.

City may be
stockholder.

City may issue
bonds.

from time to time, the right to the use of the streets, alleys, wharves, if any, and public grounds of such city for the purpose of laying, constructing and maintaining their sewers, connections, catch-basins and flushing tanks for the use and convenience of such city and its inhabitants; the said common council may in such ordinance or resolution prescribe such just and reasonable terms, restrictions and limitations upon such company in reference to the manner of using streets, alleys, wharves and public grounds, and with reference to the proper repair, cleaning, flushing and ventilation of such sewers, connections and catch-basins; and in reference to the charging and collecting of tolls, rents or other compensation for the use of such sewers to be furnished by such company to such city and its inhabitants as it may deem proper; to guard against the improper use of such streets, alleys, wharves and public grounds and to protect said city and its inhabitants from the imposition of undue or excessive charges for the use of such [sewer] sewers; but no such restriction shall be imposed which shall prevent such company from realizing upon its capital stock an annual income or dividend of ten per cent after paying the cost of all necessary repairs and expenses, interest on all moneys borrowed and five per cent per annum into sinking funds for the extinguishment of funded debt.

SEC. 13. From and after the expiration of twenty-five years from the time of the organization of such company, the common council of the city in which such sewers may have been constructed, shall have the right and privilege of purchasing from such company all its buildings, sewers, fixtures, apparatus and property of such company, with all its corporate rights and privileges, at such price as may be agreed upon; and in case of disagreement between the parties, the price to be ascertained and determined by five disinterested persons, not residents of said city, two of whom shall be chosen by said common council, two by the board of directors of such company, and the fifth by the four so chosen, who, when thus chosen and assembled, shall have power to determine, finally and conclusively, the amount which such city shall pay for the rights, property and franchises of such company as aforesaid.

SEC. 14. Any such city may become a stockholder in any such company whenever the common council shall so direct, by resolution duly entered upon its minutes, after the question of so doing shall have been first submitted to the electors of said city, in such manner as the common council may have prescribed, and the said electors shall have voted in favor thereof. Such resolution shall specify the number of shares to be taken, and shall require the mayor, president or other municipal officer to carry out the directions by subscribing for the number of shares indicated upon the books of the company. It shall be lawful for any such city to issue bonds, payable at such times as the common council shall direct, and bearing interest at a rate not exceeding eight per cent per annum, and to nego-

tiate the same upon the best terms they can obtain. Such cities shall have power in addition to that given by their charters to levy taxes not exceeding two per cent on the assessed valuation per annum, sufficient to meet the principal and interest falling due on such bonds.

SEC. 15. Any such company shall be deemed to be fully organized whenever half the capital stock named in its articles of association shall have been in good faith subscribed, and ten per cent thereof paid in, and may thereupon enter upon the work of construction; and in order to raise moneys for that purpose, it shall have power to borrow money, to issue bonds or other evidences of indebtedness, to execute mortgages or trust deeds, as may be deemed necessary for that purpose; and it may also issue a preferred stock, if a majority of the stockholders of the company shall vote that it is advisable so to do; but in case that such city is a stockholder, no such mortgage, trust deed, or issue of preferred stock shall be valid without the assent thereto of the common council of said city; and in such case it shall be deemed a misdemeanor for the directors of said company to contract debts to any amount in excess of the means provided for, by subscription to stock, and the estimated net receipts of the company from its rates for one year in advance, except they shall have first obtained the assent of the said common council thereto: *Provided, however,* That the provisions of this act shall apply only to cities in the county of Muskegon. When company to be deemed organized.

This act is ordered to take immediate effect.

Approved July 2, 1891. Provide.

[No. 396.]

AN ACT to amend section three of an act entitled "An act to revise an act to incorporatate the city of Bay City," approved March twenty-first, eighteen hundred sixty-five, as amended and revised by the several acts amendatory and revisionary thereof.

SECTION 1. *The People of the State of Michigan enact,* That section three of an act entitled an act to revise "An act to incorporate the city of Bay City," approved March twenty-first, eighteen hundred sixty-five, as amended and revised by the several acts amendatory and revisionary thereof, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 3. The said city shall be divided into eleven wards bounded and described as follows: The first ward of said city shall include all that portion of said city lying north of the continuous line of the center of Second street and west of the center lines of Johnson street and Belinda street. The second ward shall embrace all that part of said city lying between the center line of Second street and the center line of Divided into wards.
First ward.
Second ward.

- Third ward.** Fifth street west of the center line of Lincoln avenue. The third ward of said city shall embrace all that part of said city lying between the center line of Tenth street and a line on the north commencing in the center of the Saginaw river where the center line of Eighth street intersects the same, thence east along the center line of Eighth street to the center line of Madison avenue, thence north along the center line of Madison avenue to the center line of Sixth street, thence east along the center line of Sixth street to the center line of Van Buren street, thence north along the center line of Van Buren street to the center line of Fifth avenue, thence east on the center line of Fifth avenue to the center line of Lincoln avenue, thence south along the center line of Lincoln avenue to said center line of Tenth street. The fourth ward of said city shall embrace all that part of said city between the center line of Tenth street and the center line of Fifteenth street west of the center line of Lincoln avenue. The fifth ward of said city shall embrace all that part of said city lying between the center line of Twenty-sixth street extended across said city and a line on the north, beginning at a point in the center of the Saginaw river where the center line of Twenty-first street, if produced, would intersect the same, thence southeasterly along the center line of Twenty-first street, produced, to the center of Water street, thence easterly along the center line of Twenty-first street to the center line of Madison avenue, thence south on center line of Madison avenue to the south line of section twenty-eight, town fourteen north, of range five east, thence east on said south line of said section twenty-eight and the south line of section twenty-seven, town fourteen north, of range five east, to the eastern limits of said city. The sixth ward shall embrace all that portion of said city lying south of the center line of Twenty-sixth street extended across said city and north of the line between fractions two and three in section twenty-two, town fourteen north, range five east, extended across said city to the east line thereof. The seventh ward shall comprise all that portion of said city lying south of the extended east and west line between said fractions two and three and the southern limits of said city. The eighth ward shall embrace all that portion of said city lying between the center line of Fifteenth street extended across said city and a line commencing in the center of the Saginaw river where the center line of Twenty-first street, if produced, would intersect the same, thence southeasterly on the center line of Twenty-first street, produced, to the center of Water street, thence easterly along the center line of Twenty-first street to the center line of Madison avenue, thence south on the center line of Madison avenue to the south line of section twenty-eight, town fourteen north, range five east, thence east on said south line of said section twenty-eight and the south line of section twenty-seven, town fourteen north, of range five east to the eastern limits said city. The ninth ward of said city shall embrace all that portion of said city lying between the center line of
- Fourth ward.**
- Fifth ward.**
- Sixth ward.**
- Seventh ward.**
- Eighth ward.**
- Ninth ward.**

Fifth street and a line on the south commencing at the center of Saginaw river where the center line of Eighth street intersects the same, thence easterly along the center line of Eighth street to the center line of Madison avenue, thence north along the center line of Madison avenue to the center line of Sixth street, thence east along the center line of Sixth street to the center line of VanBuren street, thence north along the center line of VanBuren street to the said center line of Fifth street. The tenth ward shall embrace all that part of said city north of the center line of Second street and east of the center line of Johnson street and Belinda street. The eleventh ward shall embrace all that part of said city lying between the extended [center] lines of Second street and Fifteenth street, and east of the center line of Lincoln avenue. The ward officers of said city, elected for the respective offices in the several wards as so bounded and numbered in which they reside, shall continue to hold their offices until the term for which they are elected shall expire: *Provided*, That when any vacancy in any of the ward offices may occur in said city by reason of this act such vacancy shall be filled by appointment of the mayor, and the persons so appointed shall hold their respective offices until their successors shall be elected and qualified.

Tenth ward.

Eleventh ward.

Present ward officers to hold until expiration of term.

Proviso.

Approved July 3, 1891.

[No. 397.]

AN ACT to amend sections fourteen and fifteen, of an act entitled "An act relative to free schools in the city of Detroit" approved February twenty-fourth, one thousand eight hundred sixty-nine, as amended.

SECTION 1. *The People of the State of Michigan enact*, That sections fourteen and fifteen of an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-fourth, one thousand eight hundred sixty-nine, as amended, be and the same are hereby amended so as to read as follows:

Sections amended.

SEC. 14. For purchasing lots and paying for lots already purchased in said city for the use of the free schools thereof and for erecting school-houses with the necessary out-buildings fixtures and furniture on any lot now owned by said board in said city or which said board may hereafter require, the said common council shall cause to be levied and collected in addition to all other taxes authorized by said act to be assessed and levied for school purposes in the city of Detroit, a sum not exceeding in any one year five mills on the dollar, of all the taxable valuation of the real and personal property in the said city, nor less than the sum of one hundred and fifty thousand dollars. Said tax when so levied and collected as provided in section thirteen of this act shall be paid to the treasurer of said board of education and shall vest in said board for the sole

Common council to levy tax.

Limit of tax.

Tax to be paid to treasurer of board of education.

Proviso relative
to issuing bonds.

purpose or purposes as hereinafter stated: *Provided*, That it shall be competent for the common council of Detroit to issue the bonds of said city for the whole or any part of said tax not exceeding in any one year five mills on the dollar of the taxable valuation of the real and personal property aforesaid. Said bonds to run for twenty years, but payable at any time after five years and bearing not more than six per cent interest:

Proviso.

Provided, If the amount of such estimate shall exceed the sum of one hundred and fifty thousand dollars, that the raising of such excess shall be submitted to and approved by the citizens' meeting as hereinafter provided: *And further provided*, That the provisions of this section shall expire and be inoperative after the fifteenth day of April, one thousand eight hundred ninety-five.

Tax to be
approved at citi-
zens' meeting.

SEC. 15. It shall be the duty of the common council of said city to submit or cause to be submitted to the approval of the citizens' meeting of said city, at a meeting required by law to be held for the approval of such annual taxes voted by the common council of said city as require such approval of a citizens' meeting, the said tax not exceeding five mills on the dollar of the taxable valuation of the real and personal property as aforesaid, nor less than the sum of one hundred and fifty thousand dollars. And said citizens' meeting shall approve or disapprove only of such sum or sums in excess of said one hundred and fifty thousand dollars. And if any sum or sums in excess of said one hundred and fifty thousand dollars shall be approved, said citizens' meeting may determine what portion of the entire tax shall be levied and collected in that year and what portion raised by the issue of bonds of the city. Should the citizens' meeting be at any time abolished by law and the powers conferred thereon with respect to the approval of estimates for taxes to be raised for the general expense of said city be conferred upon or given to any other board or body of said city, then in such case the powers hereby given to the citizens' meeting shall be held to be conferred upon such other body or board, and such other body or board shall perform the duties hereby given to such citizens' meetings.

Meeting to
determine por-
tion to be levied.

In case said
meeting is
abolished by
law.

This act is ordered to take immediate effect.

Approved July 3, 1891.

[No. 398.]

AN ACT to provide for two voting precincts for the township of Perry, in the county of Shiawassee, defining the limits thereof, providing for a new registration of the voters thereof, and determining who shall be inspectors of election therein.

Township to be
divided into two
voting precincts.

SECTION 1. *The People of the State of Michigan enact*, That the votes of the township of Perry, in the county of Shia-

wassee, shall be cast in two separate precincts, at all general, regular, and special elections held therein.

SEC. 2. Ten days' previous notice of such division of the township into two voting precincts shall be published by authority of said inspection board, by posting written or printed notice of the same, as provided by law for such elections.

Notice of
division.

SEC. 3. The following described territory in said township shall constitute and be denominated election precinct number two, to wit: Entire sections number one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six in township number five north, of range number two east; and all of the rest and remainder of said township of Perry, township number five north, of range number two east, shall constitute and be denominated election precinct number one.

Precinct number
two.

Precinct number
one.

SEC. 4. The supervisor and two justices of the peace whose term of office will soonest expire shall constitute the board of inspectors of voting precinct number one; and the township clerk and the remaining two justices of the peace shall constitute the board of inspectors of voting precinct number two, except as provided in section eleven.

Inspectors of
precinct number
one.

Inspectors of
precinct number
two.

SEC. 5. All electors residing in precinct number two, as thus defined, shall cast their ballots at such place within said precinct as the township board of said township shall determine as the polling place of said precinct number two, except as provided in section eleven of this act.

Residents of
precinct to vote
in same.

SEC. 6. After the polls are closed the inspectors of election of each precinct shall proceed to count the votes of their respective precincts separately, and after they are so counted, and found, or made to correspond with the poll list, the two boards shall meet in joint [canvass] canvass, in precinct number one, and the consolidated report shall be the official [canvass] canvass of said township.

Inspectors of
each precinct to
count votes
therein.

Joint canvass in
precinct number
one.

SEC. 7. At twelve o'clock meridian, of the day of any general, regular or special election, the electors of said township shall meet at the polling place of election precinct number one, and shall then and there elect such officers and transact such other business as is usually transacted at township meetings by *viva voce* vote, or in such manner as the meeting may direct.

Viva voce elec-
tion of certain
officers in each
precinct.

SEC. 8. The township board of said township shall provide at the expense of said township, two books in which to register the qualified electors of said township, one of which shall be used for voting precinct number one, and the other for voting precinct number two, in which shall be registered the names of the qualified voters of the respective precincts, as provided by existing law. The names of persons in the existing books of registration may be transcribed into the books required by this section, under the direction of the board of registration of the township, so that they will be included in the books of registration of the precinct of their residence. The registration board of said township shall meet at the place provided by existing laws.

Township board
to provide regis-
tration book for
each precinct.

Existing regis-
tration to be
divided.

Place of meet-
ing of board of
registration.

Time of meeting
of board of
registration.

SEC. 9. The board of registration shall hold meetings for the purpose of making a registration of the voters of said township according to the provisions of this act on the Saturday next preceding the next annual township meeting, and thereafter shall hold meetings as provided by existing law, at all general, regular, special and township elections in said township; the board of inspectors of election in each precinct shall have and exercise the same power in respect to registering voters on election day in their respective precincts as is conferred upon inspectors of election by existing law.

Power of in-
spectors of each
precinct.

Duty of town-
ship clerk rela-
tive to registra-
tion books.

SEC. 10. At any such election, and as soon at least as the poll is opened, the township clerk shall cause the said books of registration to be placed in the hands of the board of inspectors of election of the proper precinct, to be used by such boards during the election, and to be returned to the clerk immediately thereafter. The board of registration shall be composed of the persons, and have all the powers provided for by existing law, except as is otherwise provided in this act.

Power of board
of registration.

Rights of pre-
cinct inspectors
relative to
voting.

SEC. 11. The inspectors of each polling precinct shall have a right, if they so elect, to vote at the precinct where they are required to act as [inspector] inspectors of election as provided in section four of this act. Notwithstanding said inspector may be a resident and registered as an elector in the precinct of which he is not inspector: *Provided, however,* Such inspector shall not cast but one vote at such election.

Proviso.

This act is ordered to take immediate effect.

Approved July 3, 1891.

CERTIFICATE.

MICHIGAN, }
DEPARTMENT OF STATE. } ss.

I, Daniel E. Soper, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State for the present year was July third, one thousand eight hundred and ninety-one.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan at Lansing this third day
[L. S.] of July, in the year of our Lord one thousand eight hundred and ninety-one.

DANIEL E. SOPER,
Secretary of State.

APPENDIX

CONTAINING

CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS

RELATIVE TO THE

ERECTION AND CHANGE OF BOUNDARIES
OF TOWNSHIPS.

APPENDIX

BAY COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Mount Forest.

BOARD OF SUPERVISORS' ROOM BAY CITY, }
Thursday, January 16, 1890.

Board met pursuant to adjournment.

On motion of Supervisor Fischer, supervisor Barie was elected chairman *pro tem* on account of the absence of Ira E. Swart, chairman, through illness.

Roll called, present: Supervisors Barie, Bartholemew, Clark, Carroll, DeCorte, Endline, Edmonds, Fischer, Francis, Gregory, Hamilton, Hovell, Johnson, Knight, Klemm, Keith, McGibbon, McKnight, Meisel, Pratt, Pletzky, Schmidt, Syring, Shuller, Wackerly, Wherry, Whitney, Washer, Weggel—29.

Absent: Supervisors Kelley, Leng—2.

Quorum present.

To the Board of Supervisors of Bay county:

GENTLEMEN—Your committee on organization of townships beg leave to report that they have examined the petition of the petitioners of town 17-3E now a part of Pinconning. Said petitioners asking to be set off as a township for themselves, said township to be designated as Mount Forest.

Your committee are in favor of granting said petition. Your committee further recommends that the adoption of this report by the board, and that said petitioners may have a right to organize said township of Mount Forest.

J. C. WACKERLY,
JOHN WASHER,
ROBERT LENG,
PETER EDMONDS,
C. A. KLEMM,
THOS. HAMILTON,
JOHN G. WEGGEL

On motion of Supervisor Johnson the report and recommendation was adopted.

By Supervisor Edmonds:

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, an application has been duly made to the board of supervisors of the county of Bay, by Thomas Lynch, Clarence Fairchild, Charles Miller, Mike Paul, George Wasielewski, Hugh Stevenson, Joe Wasielewski, Joseph Boike, Tojama Percy, Fred More, George Collins, Lawrence Wasalake, Jan Jankowak and George Captor, all of whom are freeholders and twelve of whom reside in the township to be affected thereby, for the erection and organization into a new township, of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to said board by due proof, that notice in writing, of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board upon consideration thereof that the said application ought to be granted. Thereupon it is ordered and determined by the said board that the territory described as follows, to wit: Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 of town seventeen (17) north of range three (3) east, be and the same is hereby erected and organized into a new township, to be called and known as the township of Mount Forest. That the first annual township meeting therein shall be held at the house of Clarence Fairchild, on Monday the seventh day of April next. And John T. Lynch, Clarence Fairchild and Charles Miller, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Mount Forest
organized.

Adopted by a unanimous vote of all members elect.

On motion of Supervisor Knight the board adjourned *sine die*.

W. J. HAWKINS,
Deputy Clerk.

GEORGE BARIE,
Chairman pro tem.

STATE OF MICHIGAN, }
County of Bay, } ss.

I, William Gaffney, clerk of said county and of the circuit court thereof, do hereby certify that the foregoing is a true copy of the report of the committee, and resolution adopted by the board of supervisors for the erection and organization of a new township to be known as Mount Forest in Bay county now of record in my office; that I have carefully compared the said copy with the original and that it is a correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and
affixed the seal of said circuit court, this nineteenth
[L. s.] day of April, A. D. 1890.

WM. GAFFNEY, *Clerk.*

BERRIEN COUNTY.

In the matter of the application of certain freeholders of the townships of Niles and Buchanan in the county of Berrien for detaching certain territory from the said township of Niles and adding the same to the said township of Buchanan.

Berrien Springs, April 2d, 1891.

The board met pursuant to adjournment at the last session, and was called to order by the chairman.

Present—A quorum consisting of Messrs. S. S. Bell, Beistle, C. C. Bell, Brown, Cromer, Groat, Halliday, Kempton, Kingland, Lawrence, Landon, Miller, Peck, Preston, Schwenck, Shearer, Stewart, Thompson, Vanderveer, Womer, and chairman.

Absent—Mr. Vincent.

On motion of Mr. Beistle the clerk read the following petition relative to the division of Niles township.

To the Honorable Board of Supervisors for the County of Berrien:

We, the subscribers, freeholders of the townships of Niles and Buchanan, hereby petition your honorable body to alter the boundary line between the said townships of Niles and Buchanan as follows:

By detaching that territory situated in said township of Niles which lies east of the St. Joseph river and west of the range line, range (18) west, Berrien county, Michigan, and attaching all of the above described territory to the said township of Buchanan so that the boundary line between the said townships of Niles and Buchanan shall be the said range line.

Dated February 25, 1891.

Freeholders of Niles township:—Mrs. Lina Bunker, Frank Myler, H. G. Mead, Evelyn G. Ingalls, Jane G. Denno, Geo. W. Batchelor, James Ingalls, E. L. Williams, D. J. Burditt, Mrs. E. J. Weaver, J. K. Woods, A. J. Coruthers, W. R. Rough, O. W. Massie, Eliza House, Peter Womer, C. J. Ingersoll, W. I. Hallock, C. Black, Samuel Black and J. M. Roe.

Buchanan township:—Wm. R. Rough, J. E. Barnes, L. P. Alexander, J. M. Rough, M. L. Tressler, Sam Bunker, John Long, Frank W. Mead, J. N. Batchelor, D. P. Miller, G. W. Noble, Geo. B. Richards, Levi L. Redden, J. M. Roe, J. G. Holmes, and B. D. Harper.

On motion of Mr. Kingsland the petition was referred to the committee on roads and bridges.

The committee on roads and bridges to whom was referred the petition relative to the division of Niles township through its chairman submitted the following report: Your committee to whom was referred the petition of certain tax payers of the townships of Niles and Buchanan asking for the division of Niles township by detaching all west of the range line and north of the St. Joseph river from the township of Niles and attaching the same to the township of Buchanan, respectfully report that they have examined the maps, petition and notices and the affidavits of publishing and posting notices, and find the notices, applications and publication are in conformity with the statutes;

Therefore, We recommend that the prayer of the petitioners be granted and that the division shall take effect on the 10th day of April, A. D. 1891.

N. E. LANDON,
JOHN C. SWENK,
Committee.

Mr. Beistle moved that the prayer of the petitioners be granted and that the territory situated in the township of Niles in the county of Berrien, which lies east of the St. Joseph river and west of the range line, range eighteen west, in said county, be detached from the said township of Niles and attached to the said township of Buchanan, so that the boundary line between the said townships of Niles and Buchanan shall be the said range line.

Territory
detached from
Niles and added
to Buchanan.

Mr. Stewart supported the motion.

The yeas and nays being called for, the motion then prevailed, a majority of the members elect voting therefor by yeas and nays as follows:

Yeas—Messrs. Beistle, C. C. Bell, Brown, Cromer, Groat, Halliday, Kempton, Lawrence, Landon, Miller, Preston, Schwenck, Shearer, Stewart, Vanderveer, Wemer and Chairman.

Nays—Messrs. S. S. Bell and J. A. Peck.

Absent—Messrs. Vincent and Kingsland.

Paired—Messrs. Thompson and Vincent.

On motion of Mr. Kingsland the board adjourned until 8 o'clock tomorrow morning.

W. A. KEITH,
Chairman.

THOMAS CARMODY,
Clerk.

STATE OF MICHIGAN, } ss.
Berrien County, }

I, Thomas Carmody, county clerk of said county and *ex officio* clerk of the circuit court therein the same being a court of record, do hereby certify that I have compared the foregoing copy of the record of proceedings had by the board of super-

visors of said county in the matter of the alteration of the boundary line between the townships of Niles and Buchanan in said county with the original record thereof now remaining in my said office and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand
[L. S.] and affixed the seal of said court at Berrien Springs
this sixth day of April, A. D. 1891.

THOMAS CARMODY,
Clerk of the Ct. Ct., for Berrien Co.

CHEBOYGAN COUNTY.

In the matter of the application of certain freeholders for detaching certain territory from the township of Grant and adding the same to the township of Benton.

STATE OF MICHIGAN, }
County of Cheboygan, } ss.

At a session of the board of supervisors of said county, continued and held at the court house in the city of Cheboygan in said county, on the 16th day of January, A. D. 1890.

By Supervisor Sullivan:

In the matter of the application of certain freeholders for detaching certain territory from the township of Grant and adding and attaching the same to the township of Benton;

WHEREAS, Application has been duly made to the board of supervisors of the county of Cheboygan by certain freeholders of townships of Benton and Grant in the county of Cheboygan, State of Michigan, for detaching the territory hereinafter described, from the said township of Grant and adding and attaching the same to said township of Benton; and

WHEREAS, It having been made to appear to this board that twelve and more of such applicants are residents and freeholders of each of said townships, and the said board having been furnished with a map of all the townships to be affected thereby and showing the proposed alteration in the boundaries of said townships and it appearing to said board by due proof that notice in writing of such intended application signed by at least twelve freeholders of each of the said townships to be thereby affected has been duly posted up in each of said townships and also been published in the manner and during the time required by law; and it also appearing to this board upon consideration thereof that the said application ought to be granted;

Therefore, It is ordered and determined by the board of supervisors of Cheboygan county, that the territory described as follows, to wit:

Sections thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23),

Territory detached from Grant and added to Benton.

twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36), all in township thirty-seven (37) north, range one (1) west except those parts of said sections seventeen (17), eighteen (18), nineteen (19), and thirty (30) that lie west of the Cheboygan river be, and the same is hereby detached from the said township of Grant and the same is hereby added and attached to said township of Benton.

It is further ordered, enacted and determined by this board, That the annual township meeting for the said township of Grant from which the above described territory is detached shall be held at the school-house in district No. 4, in said township of Grant on the first Monday of April, 1890.

It is further ordered, enacted and determined, That the annual township meeting for the said township of Benton shall be held at the school-house in school district number four of said township of Benton on the first Monday of April, 1890, and that Peter McDonald, Adolphus Paquin and Thomas H. McKervery be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls and exercise the same powers as the inspectors of election at any township meeting, are authorized by law to do.

Adopted. A majority of all the supervisors elect voting therefor by yeas and nays as follows:

Yeas—Gallagher, Devine, Helpert, Lameer, Roetz, Sharmenk, Smyth, Stewart, Sullivan, Treadwell—10.

Nays—Barrett, Bowen, Briggs, Dawson, King, Passino, Wylie, Young—8.

STATE OF MICHIGAN, }
County of Cheboygan, } ss.

I, Wm. N. Cross, clerk of said county of Cheboygan, and of the board of supervisors thereof, do hereby certify that I have compared the above and foregoing copy of a resolution of said board of supervisors with the original record thereof in my office, as clerk of said board, and that said copy is a true copy and statement of the action of said board relating to said matter and I further certify that the foregoing resolution of said board was passed by them at their meeting held at the time and place above stated as appears by the record thereof in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of the circuit court of said county at
[L. s.] the city of Cheboygan this twenty-ninth day of September, 1890.

WM. N. CROSS,
Clerk.

CLARE COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Redding.

Harrison, Mich, Dec. 30th, 1890.

At 8 o'clock, A. M., the board was called to order by the chairman pursuant to adjournment. Roll called and quorum present.

The petition of Washington L. Rought and 24 others, freeholders of the township of Winterfield in the county of Clare, praying that the south half of the township of Winterfield, being township 19 north, of range 6 west be detached from the said township of Winterfield and erected and organized into a new township to be called the township of Redding, was read and a map of all the townships to be affected by the division prayed for showing the alterations of said townships was shown.

On motion of supervisor Gordon the petition was laid upon the table.

On motion of supervisor Gordon the board adjourned until 1 o'clock P. M.

At 1 o'clock P. M. the board was called to order by the chairman. Roll called and quorum present.

On motion of Sup'r Kelley the petition of W. L. Rought and others was taken from the table.

The following resolution was offered by Sup'r Chapin:

WHEREAS, It appears to the board of supervisors of Clare county, Michigan, that application has been made to said board by 12 freeholders of the townships to be affected thereby and that notice thereof has been signed, posted and published in the manner and form required by law and this board having been furnished with a map of all the townships to be affected thereby, showing proposed alterations and having duly considered the matter of said application;

Therefore, be it resolved, ordered and enacted by said board, That all of township 19 north, of range 6 west, be and the same is hereby erected into a new township to be called and known by the name of Redding, and the first township meeting of said township shall be held at the house of Robert Trall, at Temple, in the present township of Winterfield, on the first Monday of April, A. D. 1891, at nine o'clock in the forenoon, and at said first meeting Robert Trall, Washington L. Rought and Wm. M. Temple, shall be the persons whose duty it shall be to preside at said meeting, open and keep the polls, and exercise the same power as inspectors of election at any township meeting as the law provides. Redding
organized.

E. W. CHAPIN.

The resolution prevailed by the following vote of yeas and nays:

Yeas—Sup'r Pierson, Durfee, Vosburgh, Boulter, Gordon, Quinn, Green, Kelley and Chapin.

Nays—Sup'r Palmer.

Yeas—9. Nays—1.

STATE OF MICHIGAN, }
Clare County, } ss.

I, John H. Richmond, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of record of the erecting and organization of a new township by the board of supervisors at their December session, 1890, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Harrison this 21st [L. s.] day of February, A. D. 1891.

JOHN H. RICHMOND,
Clerk.

CRAWFORD COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Blaine.

STATE OF MICHIGAN, }
County of Crawford, } ss.

At a session of the board of supervisors of said county held at the court house in the village of Grayling in said county on the 16th day of December, A. D. 1884.

The committee on organization submitted the following report which on motion of supervisor Finn was accepted and adopted.

To the Honorable Board of Supervisors of Crawford County:

Organization of
 Blaine township.

Your committee on organization of new towns would respectfully report and recommend as follows. That town 27 N., R. 2 W. be organized and known as the township of Blaine and would recommend that the first annual town election be held at the school-house in district No. one of said township and that the following named persons, electors of said township be appointed as inspectors of said election in the above named township, William O. Bradford, Peter Abli, and John Morgan,

All of which we would humbly submit to your honorable body.

P. M. HOYT,
 W. C. JOHNSON,
 T. E. HASTINGS,
Committee.

Moved by Sup'r Steckert that the petition and affidavits for the organization of the township of Blaine be placed on file in the clerk's office.

Motion prevailed.

STATE OF MICHIGAN, }
County of Crawford, } ss.

I, William A. Masters, clerk of said county of Crawford and of the circuit court therein, being a court of record and having a seal do hereby certify that the above and foregoing is a true and compared copy of an original entry of a record of the proceedings of the board of supervisors of said county in regard to the organization of the township of Blaine in said county, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the village of Gray-
[L. s.] ling this 27th day of January, A. D. 1890.

WM. A. MASTERS,
Clerk.

DELTA COUNTY.

In the matter of the application of certain freeholders for the organization of the village of Garden.

At a meeting of the board of supervisors of the county of Delta, continued and held at the court house in the city of Escanaba on Tuesday, April 13th, A. D. 1886.

Present: Messrs. Baehrisch, Brotherton, Tyrell, Storehouse, Perry, Bonefeld, Nelson, Bissonette, Merry, Tracy, Snell, McGee and Crilly.

Absent: Messrs. Warner and Lathrop.

Mr. Merry offered the following resolution:

Resolved, That whereas, a petition signed by, Fred M. Olmsted and others, legal voters of the township of Garden, has been filed, to which petition is annexed a notice of the intention to make such application with an affidavit of the posting of the same, according to law, and a census duly made in accordance with chapter 82 of Howell's Statutes and after hearing all parties interested therein who appeared and asked to be heard.

It is hereby ordered, That the territory described in said petition and known as section 17, township 39 N, of range 18 W. in Delta county, Michigan shall be and is hereby incorporated into a village under the said provisions of Chapter 82, Howell's Statutes, to be known as the village of Garden, that the first election of said village of Garden, be held on the 13th day of May 1886, at the office now occupied by the township clerk of Garden township. That Daniel Kelley, Fred M. Olmsted and Robert A. McDonald, be named as inspectors of said election.

Village of
Garden organ-
ized.

Resolution was carried.

Ayes—Messrs Baehrisch, Brotherton, Tyrell, Storehouse, Perry, Bonefeld, Nelson, Bissonette, Merry, Tracy, Snell, McGee and Crilly—13.

Noes—None.

STATE OF MICHIGAN, }
County of Delta, } ss.

I, John P. McCall, clerk of said county and of the board of supervisors thereof do hereby certify that I have carefully compared the foregoing copy of a resolution, and order incorporating the village of Garden, by said board, April 13, A. D. 1886, with the original now of record in my office, and that it is a true transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the circuit court for said county

[L. s] at Escanaba, the 25th day of January A. D. 1890.

JOHN P. McCALL,
Clerk.

EMMET COUNTY.

In the matter of the application of certain freeholders for detaching the following territory hereinafter mentioned from the township of Maple River and attaching the same to the township of Littlefield.

At the annual meeting of the board of supervisors of the county of Emmet, continued and held at Harbor Springs, Michigan, on the 15th day of October, 1891.

Board met pursuant to adjournment. Roll called.

Quorum present.

The special committee appointed on detaching certain territory from the township of Maple River and attaching the same to the township of Littlefield made a majority report.

Mr. Rohr presented a substitute to the majority report:

WHEREAS, An application has been made to the board of supervisors of the county of Emmet, by A. E. McCabe and others, and twelve of whom reside in each of the townships to be affected thereby, for the detaching of the hereinafter described territory, from the township of Maple River and attaching the same to the township of Littlefield, and the said board has been furnished with a map of all the townships to be affected thereby; and it appearing to said board by the proof, that notice in writing of such intended application signed by at least twelve freeholders of the townships to be affected thereby, has been posted up and published in the manner and during the time required by law; and it also appearing to said board upon consideration thereof, that said application ought to be granted;

Therefore, it is ordered and determined by said board, That the territory described as follows, to wit:

Sections three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), sixteen (16), seventeen (17), eighteen (18). West half of section fifteen (15), and ten (10), and that part of sections nineteen (19), twenty (20), and twenty-one (21), now in Maple River township, all in township thirty-five (35) north, of range four (4) west, be and the same is hereby detached from the township of Maple River and attached to the township of Littlefield.

Territory detached from Maple River and added to Littlefield.

Moved and supported, that the board adopt the substitute report.

The ayes and nays were called, on vote being taken:

Ayes—Messrs. Swartout, Shurtleff, Wachtel, Carmein, Eaton, Burns and Rohr—Total, seven.

Nays—Messrs. Call, Walker, Keiser, Hancock and Luce—Total, five.

STATE OF MICHIGAN, } ss.
Emmet County.

I, Martin V. Barnes, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of supervisors' journal relating to the detaching of certain territory from the township of Maple River and attaching the same to the township of Littlefield, with the original thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom and the whole of the original record.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Harbor Springs,

[L. s.] this 14th day of November, A. D. 1891.

MARTIN V. BARNES,
Clerk.

GLADWIN COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Sherman.

Office of County Clerk,)
GLADWIN COUNTY, MICHIGAN. }

At a meeting of the board of supervisors of Gladwin county, held on the 14th day of October, A. D. 1889, the following resolution and preamble was presented to said board:

WHEREAS, An application has been duly made to the board of supervisors of the county of Gladwin, by Thomas Foots, Charles Toles, W. C. Peterson, James Pierce, Wm. Jones, Wm.

Hamersly, John Kelley, John Murphy, Fred Bruner, R. C. Herbison, J. M. Smith and S. E. Stickney, S. P. Skeels, Aaron Gray, Peter Tresler, Aaron Brown, W. C. Townsend, Wm. Brooks, Francis Burkett, D. J. Smith, Wm. Westover, Ira Babcock, George Cunningham, L. P. Sherman, Thomas Cunningham, Horace Westover, Thomas Hall, Benjamin Harris, all of whom are freeholders, and twelve of whom reside in each of said townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board, by due proof, that notice in writing of said intended application signed by at least twelve freeholders of the townships to be affected thereby, has been duly posted up and published, in the manner and during the time required by law, and it also appearing to said board upon consideration thereof, that the said application ought to be granted,

Organisation
of Sherman
township.

Therefore it is resolved and determined by the said board, That the territory described as follows, to wit: Township number twenty north, of range two west, be and the same is hereby erected and organized into a new township, to be called and known as the township of Sherman, that the annual township meeting therein shall be held at the school-house in school district number two in said township on the first Monday in April next, and that Robert C. Herbison, Thomas Foots and Peter Tresler, three electors of said township are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State, and that Peter Tresler be and he is hereby designated as the person who shall post the notices required by law of the first annual meeting of the township of Sherman, and also of the place of holding the next annual meeting in the township of Butman. Which next annual meeting of said township of Butman shall be held at the town hall in said township on the first Monday of April, A. D. 1890.

Which resolution was accepted and adopted by yeas and nays as follows:

Yeas—Leonard, Moore, Sherman, Secor, Chesser, Campbell, Plummer and Raymond.

Nays—None.

STATE OF MICHIGAN, }
County of Gladwin, } ss.

I, clerk of the circuit court for said county do hereby certify that the foregoing instrument hereto attached, is a true and compared copy of an original record of the said resolution now of record in the office of the clerk of said county and court and the whole of such original record.

In testimony whereof I have hereunto set my hand and
affixed the seal of said court at the village of Glad-
[L. s.] win this 14th day of April, A. D. 1890.
S. S. TOWNSEND,
Co. Clerk.

GRAND TRAVERSE COUNTY.

In the matter of the application of certain freeholders for the
erection and organization of a new township to be known
as the township of Acme.

Adjourned meeting of board of supervisors of Grand Traverse
county.

Monday, Jan. 5th, 1891 continued to January 7th, 1891.

Jan. 7th, 8:30 o'clock.

Board called to order. Roll call by clerk, and all present.
Report of committee on towns was made by Mr. Pulciphier,
as follows.

NOTICE OF APPLICATION.

Notice of application for organization of a new township:

To whom it may concern:

Notice is hereby given by the undersigned freeholders of the
proposed new township, and of the township of East Bay in
the county of Grand Traverse, that an application will be made
to the board of supervisors of said county, at their next meet-
ing to be held on the 5th day of January, A. D. 1891, that the
following described territory, to wit: All that part of town 28
north, of range 10 west lying east of the east arm of Grand
Traverse bay; west $\frac{1}{2}$ of section 5, sections 6 and 7, west $\frac{1}{2}$ sec-
tion 8, west $\frac{1}{2}$ section 17, sections 18 and 19, west $\frac{1}{2}$ section 20,
west $\frac{1}{2}$ section 29, sections 30 and 31, and west $\frac{1}{2}$ of section 32,
township 28 north, of range 9 west. Also north $\frac{1}{2}$ of northwest
 $\frac{1}{4}$ and southwest $\frac{1}{4}$ of northwest $\frac{1}{4}$, and west $\frac{1}{2}$ of southwest $\frac{1}{4}$ of
section 5, sections 6 and 7, township 27 north, of range 9 west.
Also sections 1, 2, 3, 4 east $\frac{1}{2}$ frl. section 9, sections 10, 11 and
12, in township 27 north, of range 10 west, to be detached from
the township of East Bay and erected and organized into a
new township to be called the township of Acme.

Dated this 10th day of November 1890.

Signatures of freeholders of the territory proposed to be
organized into the township of Acme.

A. C. Hoxie,
Milton Beck,
W. A. Lee,
J. W. Green,
E. B. Arnold,

L. P. Fox,
Walter Mull,
J. H. Fife,
Isaac Love,
John McDonald,

John Rogers,
Eddy Newcomb,
W. H. Fife,
C. V. Hill,
Joseph Taylor,
C. J. Liddell,

Andrew Newcomb,
H. F. Allen,
L. W. Lackey,
George Smith,
H. L. Allen.

Signatures of freeholders of the territory to be and remain
as the township of East Bay.

W. H. C. Mitchell,
Seth Ward,
Grant Morgan,
Peter Rusho,
Albert Andrus,
C. C. Prouty,
Henry J. Forton,
Wm. Forton,
Henry Courtade,
Arthur Domine,
Jerome Forton,
Fred Courtade,
Joseph Loyselle,
Christian Lambert,
Adam Miller,
Andrew Leach,
Jesse Wells,
Geo. Koenig,
Philip Feiger,
Lester Wells,
Barbara King,
John N. Courtade,
Fedinand Kroupa,
Mathew Reich,
Edwin Black,
David Roush,
Robt. Mullen, Jr.

O. W. Green,
C. J. Sullivan,
Noah Stebbins,
Frank Kennedy,
George Rusho,
Francis Forton,
F. C. Reevard,
Chris. Forton,
Madison Prouty,
Charles L. Domine,
Julian Forton,
Henry P. Forton,
John Courtade,
Frank Willsey,
John Schosser,
Edward Ball,
M. B. Harris,
Wm. Koenig,
William Eikey,
John Nerlinger,
Susan Bates,
Peter Courtade,
May Johnson,
John Black,
Geo. Roush,
Frank Forton,
Robt. Mullen, Sr.

APPLICATION.

Application to the board of supervisors for the erection of a
new township to be called the township of Acme.

To the board of supervisors of the county of Grand Traverse, Michigan:

We, the undersigned freeholders of the township of East Bay and of the territory hereafter described, which territory it is proposed to erect into a new township to be called the township of Acme, to wit:

All that part of township twenty-eight north of range ten west, lying east of the east arm of Grand Traverse bay, west half of section five, section six, section seven, west half of section eight, west half of section seventeen, section eighteen,

section nineteen, west half of section twenty, west half of section twenty-nine, section thirty, section thirty-one, and west half of section thirty-two, in township twenty-eight north, of range nine west. Also north half of northwest quarter, southwest quarter of northwest quarter, and west half of southwest quarter of section five, sections six and seven, township twenty-seven north, of range nine west. Also sections one, two, three, four, east half of frac. section nine, sections ten, eleven and twelve, township twenty-seven north, of range ten west.

We respectfully pray that the above described territory may be detached from the township of East Bay and organized into a new township to be called the township of Acme, and your petitioners herewith present a map of all the townships to be affected by the organization prayed for, showing the boundary of the proposed new township of Acme, and the boundary of the township of East Bay, after said proposed township of Acme is organized.

Dated this 10th day of November, 1890.

Signatures of freeholders of the territory proposed to be organized into the township of Acme:

A. C. Hoxie,
Milton Beck,
W. A. Lee,
J. W. Green,
E. B. Arnold,
John Rogers,
Eddy Newcomb,
W. H. Fyfe,
H. L. Allen,
L. M. Lackey,
George Smith,
W. H. Whiteford,
Thos. J. Brooks,
A. E. Brainerd,
H. A. Langworthy,
Chas. Whiteford,
John A. Scripture,

C. J. Liddell,
L. P. Fox,
Walter Mull,
J. H. Fife,
Isaac Love,
John Mc Donald,
Andrew Newcomb,
H. F. Allen,
E. V. Hill,
Joseph Taylor,
Philip Host,
Wm. Whiteford,
Chas. C. Stites,
H. S. Case,
Elias Wells,
C. E. Silver.

Signatures of freeholders of the territory to be and remain as the township of East Bay:

W. H. C. Mitchell,
Seth Weed,
Chas. J. Sullivan,
Noah Stebbins,
Peter Rusho,
C. C. Prouty,
Frank Forton,
F. C. Rivard,
Christopher Forton,
Madison Prouty,
Chas. L. Domine,
Julian Forton,

O. W. Green,
Frank Kennedy,
Grant Morgan,
Albert Andrus,
George Rusho,
Francis Forton,
Henry J. Forton,
William Forton,
Henry Courtade,
Arthur Domine,
Jerome Forton,
Fred Courtade,

Henry P. Forton,
John Courtade,
Frank Willsey,
John Schosser,
Edward Ball,
M. B. Harris,
Wm. Koenig,
William Eikey,
John Nerlinger,
Susan Bates,
Peter Courtade,
May Johnson,
John Black,
Geo. Roush,
Rob't Mullen, Sr.,

Joseph Loyselle,
Christian Lambert,
Adam Miller,
Andrew Leach,
Jesse Wells,
Geo. Koenig,
Philip Feiger,
Lester Wells,
Barbara King,
John N. Courtade,
Ferdinand Kroupa,
Matthew Reich,
Edwin Black,
David Roush,
Rob't Mullen, Jr.

AFFIDAVIT OF POSTING NOTICES.

County of Grand Traverse—ss.

Charles H. Estes being duly sworn, deposes and says that on the 26th day of November, 1890, he posted up true copies of the foregoing (or annexed) notice, in five of the most public places in the territory proposed to be erected and organized into the township of Acme, to wit: One notice at Lee's corners, section 31, township 28 north, range 9 west; one at the junction of Elk Rapids and Love's roads on section 6, township 28 north, range 9 west; one at postoffice at Yuba on Nov. 27, 1890; one notice at Ashton's corners on section 35, township 28 north, range 10 west; and one at postoffice at Acme.

In territory to be and remain as the township of East Bay, one notice at Cleveland's mill on section 9, township 27 north, range 10 west; one notice on Mitchell & Mahan's hay scales on section 8, township 27 north, range 10 west; one notice at school-house, school district No. 4, on section 20, township 27 north, range 10 west; one notice at school-house, school district No. 7, on fence on section 31, township 27 north, range 10 west; one notice at school-house, school district No. 5, on section 28, township 27 north, range 10 west.

And this deponent further says that he caused a copy of said notice to be published in the Grand Traverse Herald, a newspaper printed in said county of Grand Traverse once in each week for five successive weeks immediately preceding the day therein specified as the time when the application therein mentioned would be made to the board of supervisors.

Subscribed and sworn to the 5th day of January, 1891.

CHAS. H. ESTES.

JOHN PULCIPHER,
Notary Public.

NOTICE.

Of application for the organization of a new township.

To all whom it may concern:

Notice is hereby given by the undersigned freeholders of the proposed new township, and of the township of East Bay in the county of Grand Traverse that an application will be made to the board of supervisors of said county at their next meeting to be held on the 5th day of January, A. D. 1891, that the following described territory, to wit: All that part of town 28 north, of range 10 west, lying east of the east arm of Grand Traverse bay; west half of section 5, sections 6 and 7, west half of section 8, west half of section 17, sections 18 and 19, west half of section 20, west half of section 29, sections 30 and 31, west half of section 32 in township 28 north, of range 9 west. Also north half of northwest quarter and southwest quarter of northwest quarter and west half of southwest quarter of section 5, sections 6 and 7, township 27 north, of range 9 west. Also sections 1, 2, 3, 4, east half of section 9, sections 10 11 and 12, in township 27 north, of range 10 west, to be detached from the township of East Bay and erected and organized into a new township to be called the township of Acme.

Dated this 10th day of November, 1890.

Signatures of freeholders of the territory proposed to be organized into the township of Acme:

A. C. Hoxsie,
Milton Beck,
W. A. Lee,
E. B. Arnold,
John Rogers,
Eddy Newcomb,
A. T. Allen,
L. M. Lackey,
George Smith,
And eleven others.

C. J. Liddell,
L. P. Fox,
J. W. Green,
Isaac Love,
John McDonald,
W. H. Fife,
E. V. Hill,
Joseph Taylor,
Wm. Whiteford,

Signatures of freeholders of the territory to be and remain as the township of East Bay:

W. H. C. Mitchell,
C. J. Stedman,
Frank Kennedy,
Francis Forton,
William Forton,
Madison Prouty,
Chas. L. Domine,
John Courtade,
Jesse Wells,
Wm. Eikey,
Peter Courtade,
George Roush,
And thirty-two others.

O. W. Green,
Peter Rasho,
C. C. Prouty,
F. C. Rivard,
Henry Courtade,
Arthur Domine,
Joseph Loyselle,
Frank Willsey,
George Koenig,
John Black,
Robert Mullen, Sr.

STATE OF MICHIGAN, }
Grand Traverse County, } ss.

C. J. Ebner, foreman of the *Grand Traverse Herald*, a weekly newspaper printed and published at *Traverse City*, *Grand Traverse county*, *Michigan*, being duly sworn says that the notice, a copy of which is hereunto annexed, has been published in said *Grand Traverse Herald*, for five successive weeks commencing Nov. 27, 1890, and ending Jan. 1, 1891.

Sworn and subscribed the 3d day of Jan'y, 1891, before me.

THOS. T. BATES,
Notary Public.

REPORT OF COMMITTEE.

To the Board of Supervisors of the County of Grand Traverse:

Your committee on towns having had the application of A. C. Hoxie, Milton Beck, W. A. Lee, E. B. Arnold, John Rogers, Eddy Newcomb, H. F. Allen, L. M. Lackey, Geo. Smith, C. J. Liddell, L. P. Fox, J. W. Green, Isaac Love, John McDonald, W. H. Fife, E. V. Hill, Joseph Taylor, Wm. Whiteford, and eleven others, freeholders of the territory proposed to be erected, and organized into the township of Acme, also W. H. C. Mitchell, C. J. Stedman, Frank Kennedy, Francis Forton, Wm. Forton, Madison Prouty, Charles L. Domine, John Courtade, Jesse Wells, Wm. Eikey, Peter Courtade, George Roush, O. W. Green, Peter Rasho, C. C. Prouty, F. C. Rivard, Henry Courtade, Arthur Domine, Jos. Loyselle, Frank Willsey, George Koenig, John Black, Robert Mullen, Sr., and thirty-two others, freeholders for the territory to be and remain as the township of East Bay, asking for the erection and organization of the territory mentioned in the application and notices, into a new township to be called the township of Acme.

We recommend that the prayers of the petitioners be granted, and that the following resolution be adopted. All of which is respectfully submitted.

JOHN PULCIPHER,
 GEO. W. SWAINSTON,
 ALONZO VAN TASSEL,
 ANTHONY POHORAL,
 CHAS. M. HAGER,
Committee on Towns.

ORDER OF DIVISION.

WHEREAS an application has been duly made to the board of supervisors of the county of *Grand Traverse* by A. C. Hoxie, Milton Beck, W. A. Lee, E. B. Arnold, John Rogers, Eddy Newcomb, H. F. Allen, L. M. Lackey, George Smith, C. J. Liddell, L. P. Fox, J. W. Green, Isaac Love, John McDonald, W. H. Fife, E. V. Hill, Joseph Taylor, Wm. Whiteford, and

eleven others, freeholders of the territory hereinafter mentioned, and W. H. C. Mitchell, C. J. Stedman, Frank Kennedy, Francis Forton, Wm. Forton, Madison Prouty, Charles L. Dominie, John Courtade, Jesse Wells, Wm. Eikey, Peter Courtade, George Roush, O. W. Green, Peter Rasho, C. C. Prouty, F. C. Rivard, Henry Courtade, Arthur Dominie, Joseph Loy-selle, Frank Willsey, George Koenig, John Black, Robert Mullen Sr., and thirty-two others, freeholders of the territory to be and remain as the township of East Bay, all of whom are freeholders, for the erection and organization of a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to said board by due proof that the notice in writing, of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published, in the manner and during the time required by law, and it also appearing to said board, upon consideration thereof, that the said application ought to be granted.

Therefore it is ordered and determined by the said board, Acme township organized.
That the territory described as follows: All that part of town 28 north, range 10 west, lying east of the east arm of Grand Traverse bay; west $\frac{1}{2}$ of section 5, sections 6 and 7, west $\frac{1}{2}$ of section 8, west $\frac{1}{2}$ of section 17, sections 18 and 19, west $\frac{1}{2}$ of section 20, west $\frac{1}{2}$ of section 29, sections 30 and 31, west $\frac{1}{2}$ of section 32, township 28 north, range 9 west; also north $\frac{1}{2}$ of northwest $\frac{1}{4}$ and southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$, and west $\frac{1}{2}$ of southwest $\frac{1}{4}$ of section 5, sections 6 and 7, township twenty-seven north of range 9 west; also sections 1, 2, 3, 4, east $\frac{1}{2}$ of fr'l section 9, sections 10, 11 and 12, township 27 north, range 10 west, to be organized, into a new township to be called the township of Acme, that the first township meeting be held at the store building formerly occupied by Fleming & Winnie in the village of Acme, on Monday the 6th day of April, 1891, and that John Pulcifer, Charles H. Estes and W. H. Fife, three electors of such township are hereby designated as the persons whose duty it shall be to preside at said meeting appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

The township election to be held in the township of East Bay on Monday the 6th day of April 1891, shall be held at the school-house, in school district No. 4, on section 30, town 27, north, of range 10 west.

Moved by Geo. W. Clyde that report of committee on towns be accepted and adopted. Vote by yea and nay. Report adopted by unanimous vote of yea.

STATE OF MICHIGAN, }
Grand Traverse County, } ss.

I, J. L. Gibbs, clerk of said county and of the the circuit court thereof, a court of record, do hereby certify that I have

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APPENDIX
compared the foregoing copy of action of board of supervisors of said county in the organization of the township of Acme in said county, with the original record thereof now remaining in the office of the county clerk of said county and have found the same to be a correct transcript therefrom and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Traverse City this 26th day of February, A. D. 1891.

J. L. GIBBS,
Clerk.

HOUGHTON COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Duncan.

A meeting of the board of supervisors of Houghton county was held at the court house pursuant to adjournment, on Friday the 4th day of April, A. D. 1890.

Present, John Duncan, chairman, Calumet township; Frank McM. Stanton, Adams township; Thomas A. Trevathan, Chassel township; Arno Jaehnig, Franklin township; A. J. Scott, Hancock township; Henry Laird, Laird township; John P. Hunt, Portage township; Daniel Kloeckner, Quincy township; Charles Smith, Torch Lake township.

The credentials of John H. Wilson as supervisor *pro tem* for Schoolcraft township were presented, and on motion the said John H. Wilson being present, was admitted to a seat on the board.

In the matter of the application of certain freeholders of Laird township for the erection and organization of a new township to be known as the township of Duncan.

WHEREAS, An application has been duly made to the board of supervisors of the county of Houghton by Jay D. F. Pierson, Samuel P. Dowd, William W. Quick, George C. Townsend, Jacob Mahusun, Edgar Campbell, Wm. D. French, George A. Hanks, Maurice L. Handlin, Elmer Whitney, Charles M. Webb, P. A. Conklin, Louis Provencal, Adolph Laplante and others all of whom are freeholders and residents of Laird township in said county for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of said township of Laird which is the only township to be affected thereby, showing the same as now constituted and the territory desired to be embraced within said new township, and it appearing to the said board by due proof that notice in writing of such intended

application signed by at least twelve freeholders of said township of Laird has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted. Thereupon it is considered, ordered and determined by the said board that the territory described as follows, to wit:

Township 48 north, of range 37 west; township 48 north, of range 36 west; township 47 north, of range 37 west; township 47 north, of range 36 west; the west half of township 47, north of range 35 west, and the west half of township 48 north, of range 35 west, all of the said lands now being embraced within and constituting a portion of said township of Laird be, and the same is hereby erected and organized into a new township to be called and known as the township of Duncan. That the first annual meeting therein shall be held at the store of J. D. F. Pierson in the village of Kitchi on Monday the 28th day of April, A. D. 1890; and William W. Quick, George C. Townsend and Allen Klingensmith, three electors of such township are hereby designated as the persons whose duty it shall be to preside at the said meeting, appoint a clerk, open and keep the polls and to exercise the same power as the inspectors of any township meeting may exercise under the laws of this State, and that the place of holding the next annual election in said township of Laird shall be at Laird postoffice in said township.

Organization
of Duncan
township.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to wit:

Yeas—Messrs. John Duncan, Frank McM. Stanton, Thomas A. Trevathan, Arno Jaehnig, Henry Laird, John P. Hunt, Daniel Kloeckner, Charles Smith and John H. Wilson—9.

Nays—A. J. Scott—1.

STATE OF MICHIGAN, }
County of Houghton, } ss.

I, Peter Primeau, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of said county, on the fourth day of April, in the year one thousand eight hundred and ninety, upon the application of Jay D. F. Pierson and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

In testimony whereof I have hereunto subscribed my
[L. s.] name and affixed the seal of the circuit court for
said county this 25th day of April, A. D. 1890.

PETER PRIMEAU,

Clerk.

HOUGHTON COUNTY.

In the matter of the application of certain freeholders for the incorporation of the village of Lake Linden.

STATE OF MICHIGAN, }
County of Houghton, } ss.

I, Peter Primeau, clerk of said county and of the board of supervisors thereof do hereby certify that the annexed is a correct transcript carefully compared by me from the original record of the proceedings of the board of supervisors of said county on the 29th day of October in the year one thousand eight hundred and eighty-five, upon the application of M. Neumann, William Harris, D. W. Sutter, Joseph Bosch, Nicholas Reding, Jacob S. Slonaker, and sixty-five others for the incorporation of the village of "Lake Linden" now remaining in my office, and of the whole of such original record.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the circuit court for
[L. S.] said county, this 25th of February, A. D. 1890.

PETER PRIMEAU,
County Clerk.

The board of supervisors of Houghton county met at the court on Thursday, October 29th, 1885, pursuant to adjournment.

Present, John Duncan, Calumet township, chairman; William Tonkin, Adams township; Arno Jaehnig, Franklin township; A. J. Scott, Hancock township; T. W. Edwards, Portage township; Dan'l Kloeckner, Quincy township; Joseph Gregory, Schoolcraft township.

In the matter of the application of certain legal voters for the incorporation of the village of Lake Linden.

WHEREAS, An application has been duly made to the board of supervisors of the county of Houghton, by M. Neumann, William Harris, D. W. Sutter, Joseph Bosch, Nicholas Reding, Jacob S. Slonaker and sixty-five others, all of whom are legal voters and residents of the territory hereinafter described for the incorporation of such territory into a village to be called "The Village of Lake Linden," and the said board of supervisors having been furnished with a census setting forth the number of persons residing in such territory on the 25th day of April, A. D. 1885, exhibiting the name of every head of each family on such day and the number of persons belonging to such family at that time, and it satisfactorily appearing by proof on file that notice of said application was duly published in the Torch Lake Times, a newspaper printed, published and circulating in such territory, for the number of weeks, and in the manner prescribed by the statute in such case made and provided, and that said notice was duly subscribed by fifteen and more of the legal voters residing in such territory, and that said

territory contained a resident population of upwards of three hundred persons to every square mile of such territory, and it also appearing to said board upon consideration thereof that the said application ought to be granted.

Therefore, it is ordered and determined by said board of supervisors, That the territory above alluded to and described as follows, to wit:

Commencing at the shore of Torch lake, the south line of First street in the village of Torch Lake City, according to the recorded plat thereof, strikes said shore, thence west on the south line of said First street and its continuation to a point directly opposite the west line of Osceola street in Shelden and Douglass' addition to Torch Lake City, thence running north along the west line of Osceola street to the point of intersection on the south side of Second street in said addition, thence west on the south line of Second street to the quarter section line of section six, T. 55 N., of R. 33 W., thence north along the said line to a point where the same is intersected by the north line of Douglass street in said addition, thence east along the north line of Douglass street to a point in said line opposite the east line of Atlantic street, thence northerly on a continuation of the east line of Atlantic street to a point in the north line of Young's addition to the village of Linden as per recorded plat, thence easterly along the north line of Young's addition to a point where the same intersects the west line of lot 2 of section 6, T. 55 N., of R. 32 W., said point being the S. W. corner of Hitchcock and Guilbault's addition to Torch Lake City, thence north on the west boundary line of lots 2 and 1 of section 6, T. 55 N., of R. 32 W. to the south boundary of section thirty-one T. 56 N., R. 32 W., thence east on said south boundary line to the S. E. corner of section thirty-one, then south on the east line of sec. 6, T. 55 N., R. 32 W. to the shore of Torch lake, then southerly along said shore to a point where the south line of the village of Linden strikes said shore, thence west on the said south line of the village of Linden to a point where the same intersects the east line of Front street in the village of Torch Lake City, thence southerly along the east line of Front st. to a point where the same intersects the north line of First street in the village of Torch Lake City, thence easterly along the north line of said First street to the shore of Torch lake, and thence southerly along said shore to the place of beginning, situated in the township of Schoolcraft in said county of Houghton, be and the same is hereby organized and incorporated as a village in accordance with the provisions of chapter eighty-two (82), of Howell's Annotated Statutes of this State, to be called and known as "The Village of Lake Linden."

Village of
Lake Linden
organized.

That the first election to be held in said village under this act of incorporation, shall be held on the first Tuesday of March, A. D. 1886, at the hour of ten o'clock in the forenoon at the office of Hiram D. Wilson in said territory, and it is further ordered, that the following named persons be and they are

hereby appointed inspectors of such election, viz.: Maier Neumann, Hiram D. Wilson and Peter Primeau, who shall preside at such election and discharge the duties of such officers in accordance with the provisions of said chapter.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to wit:

Yeas—Messrs. Tonkin, Duncan, Jaehnig, Scott, Edwards, Kloeckner and Gregory—7.

Nays—None.

THOS. D. MEADS,
Clerk.

JOHN DUNCAN,
Chairman.

HOUGHTON COUNTY.

In the matter of the petition of the president and trustees of the village of Lake Linden for increasing the territory in said village limits.

STATE OF MICHIGAN, } ss.
County of Houghton, }

I, Peter Primeau, clerk of said county and of the board of supervisors thereof do hereby certify that I have compared the annexed copy of supervisors' journal relating to the adding of more territory in the incorporated limits of the village of Lake Linden with the original record thereof now remaining in my office and have found the same to be a correct transcript therefrom and the whole of such original record.

In testimony whereof I have hereunto set my hand and
[L. s.] affixed the seal of the circuit court of said county at
Houghton, this 26th day of February A. D. 1890.

PETER PRIMEAU,
Clerk.

A meeting of the board of supervisors of Houghton county was held at the court house pursuant to call on Saturday the first day of February, A. D. 1890.

Present, John Duncan, chairman, Calumet township; Frank Mc. M. Stanton, Adams township; Thomas A. Trevathan, Chassell township; Arno Jaehnig, Franklin township; Henry Laird, Laird township; A. J. Scott, Hancock township; John Daniell, Osceola township; John P. Hunt, Portage township; Daniel Kloeckner, Quincey township; Herman C. Guck, Schoolcraft township; Charles Smith, Torch Lake township.

In the matter of the petition of the president and trustees of the village of Lake Linden in the county of Houghton, State of Michigan, praying that the boundaries of said village be altered and changed by increasing the territory in said village limits.

It appearing to the board of supervisors of the county of

Houghton that a petition of the president and trustees of the village of Lake Linden has been filed pursuant to section two thousand nine hundred and ninety of Howell's Annotated Statutes of Michigan, praying that the boundaries of said village be altered and changed by increasing the territory in said village limits; and having duly considered the matter of said petition, the board order and enact that the following described territory be added to the territory in the incorporated limits of said village of Lake Linden, viz.:

Lamont's addition to Torch Lake City the territory described as follows: Commencing at the center post of section six (6), township fifty-five (55) north, of range thirty-two (32) west, running thence south on the east and west center line of said section to the present boundary of said village, being the west end of the north boundary line of Douglass street in Shelden and Douglass' addition to Torch Lake City, thence along said present boundary east to the west boundary of said village; thence northerly along the present boundary of said village to the north boundary thereof, being the north boundary of the village of Linden as per plat thereof, extended to intersect said last described line, thence to place of beginning, being the center post of said section six (6) including in said last described territory, part of William Harris' addition to Torch Lake City and part of block "K" of Shelden and Douglass' addition and other lands surveyed into lots but unplatted of record; also Neumann's addition to Torch Lake City and Pichi's addition to Torch Lake City; also a strip of land lying along the south boundary of Lamont's addition, thirty-two feet in width at the west end thereof, and about ten feet at the east end thereof lying principally in the street on south side of said Lamont's addition so that the boundary of said village as altered and changed shall be as follows: Commencing at a point one hundred and sixty (160) feet north of the southwest corner of lot three section six, town fifty-five (55) north, of range thirty-two (32) west, running thence east to Schoolcraft street in Torch Lake City, according to plat thereof, thence southerly along west boundary of Schoolcraft street to the south boundary of First street in said Torch Lake City, thence east along said south boundary of First street to the shore of Torch lake, thence along the shore of Torch lake to north boundary of said First street, thence west along said north boundary of First street to Front street in said Torch Lake City, thence along the east boundary of Front street to the village of Linden, according to plat thereof, thence east along the south boundary of the village of Linden, aforesaid to the shore of Torch lake, thence northerly and easterly along the shore of Torch lake to the section line between sections five (5) and six (6) township fifty-five (55) north, of range thirty-two (32) west; thence north along said section line to corner post at the common corner of section five, six in said town or range, and sections thirty-one and thirty-two in town fifty-six north, of range thirty-two west; thence east to the

Territory added
to village of
Lake Linden.

east boundary of Pichi's addition to Torch Lake City according to plat thereof; thence north along the east boundary of said Pichi's addition to north boundary thereof thence west along the subdivision line to northwest corner of Neumann's addition being northwest corner of the southeast quarter of the southeast quarter of section thirty-one (31), town fifty-six (56) north, of range thirty-two (32) west; thence south along the west boundary of said Neumann's addition and the subdivision line in said section six to the north boundary of said village of Linden according to plat thereof, being the southeast corner of southwest quarter of northeast quarter of section six in town fifty-five (55) north, of range thirty-two (32) west; thence west to the center post of said section six, thence south to point of beginning; the territory described in said boundary being less than one square mile in extent.

Adopted by yeas and nays, a majority of all the members elected voting therefor to wit:

Yeas—John Duncan, Frank McM. Stanton, Thomas A. Trevathan, Arno Jaehning, Henry Laird, A. J. Scott, John P. Hunt, Daniel Kloeckner and Charles Smith—9.

Nays—none.

JOHN DUNCAN,
Chairman.

PETER PRIMEAU,
Clerk.

MENOMINEE COUNTY.

In the matter of the application of certain freeholders for the erection of a new township out of territory now included within the limits of the townships of Stephenson and Menominee.

WHEREAS, An application has been made to the board of supervisors of the county of Menominee by L. Dobeas, Gus Swanson, Oluf Lombard, Aug. Jonsson, C. A. Smith, L. Lindstrom, Mellen Smith, Geo. H. Smith, H. W. Beechner, H. Schutte, G. W. Longhurst, Pettir Johnson, all of whom are resident freeholders of the township of Menominee and Hugh Kearns, John L. Sutherland, John E. Mannering, Ira Carley, Chas. T. Morbeck, L. A. Jennings, Wm. Falkinhain, C. E. Hams, Lou Pricket, William Dam, John H. Powers, W. A. Carley, all of whom are resident freeholders of the township of Stephenson praying for the erection of a new township out of the following territory, to wit: Sections thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36), in town thirty-five (35) north, of range twenty-seven (27) west, and township thirty-four (34), north of range twenty-seven (27) west, all in the county of Menominee, now included within the limits of the township of Stephenson and Menominee aforesaid, and said board having been furnished with a

copy of all the townships to be affected thereby, and it appearing to said board by proof that notice in writing of such intended application signed by at least twelve freeholders of the townships to be affected thereby have been posted and published in the manner and for and during the time required by law, and the matter of said application having been duly considered by the board of supervisors aforesaid.

Thereupon it is ordered and enacted by said board, That the territory described as follows, to wit: Sections thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36) in town thirty-five (35) north, of range twenty-seven (27) west, and surveyed township thirty-four (34) north, range twenty-seven (27) west, all in the county of Menominee aforesaid, be and the same is hereby erected into a township to be called and known by the name of Mellen.

Organization
of Mellen
township.

The first annual township meeting in the township hereby erected shall be held at the school-house in the village of Wallace on the first Monday of April next, and Mellen Smith, William A. Carley and Louis Dobeas, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint clerks, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting.

In the matter of the application of certain freeholders to change the boundary of the townships of Menominee and Stephenson by detaching certain territory from the township of Menominee and adding the same to the township of Stephenson.

WHEREAS, An application has been made to the board of supervisors for the county of Menominee by Charles Gustafson, Peter O'Connor, F. Grantz, Gust Ericson, Gust Broberg, William Broberg, Albert Bowman, L. G. Anderson, C. M. Carlson, L. T. Cedarquist, C. G. Sand and John Sundberg, all of whom are resident freeholders of the township of Menominee, and Charles Winton, Paul Perrizo, Jr., Paul Perrizo, Ed Lacombe, Adolph J. Johnson, Peter Putz, J. T. Colwell, Eucharis Lacasse, C. B. Marson, William J. Oberdorffer, Elijah A. Flinn and W. P. Kezar, all of whom are resident freeholders of the township of Stephenson, praying for the changing of the boundaries of the townships of Menominee and Stephenson aforesaid by adding certain territory hereinafter mentioned, to be taken from the township of Menominee to the township of Stephenson, which said territory is now included within the said township of Menominee. The said board having been furnished with a copy of all the townships to be affected thereby, and it appearing to said board by the proof that notice in writing of such intended application, signed by at least twelve freeholders of the townships to be

affected thereby, have been posted and published in the manner and for and during the time required by law, and the matter of said application having been duly considered by the board,

Territory detached from Menominee and added to Stephenson township.

Thereupon, it is ordered and enacted by said board, That the territory described as follows, to wit: Sections four (4), five (5), six (6), seven (7), eight (8), nine (9), eighteen (18), seventeen (17), sixteen (16), nineteen (19), twenty (20), twenty-one (21), thirty (30), twenty-nine (29), twenty-eight (28), and fractional section thirty-one (31), of surveyed township thirty-five (35) north, range twenty-seven (27) west, all of fractional township thirty-five (35) north, range twenty-eight (28) west, all of fractional township thirty-five (35) north, range twenty-nine (29) west, all of fractional township thirty-four (34) north, range twenty-nine (29) west, all of fractional township thirty-four (34) north, range twenty-eight (28) west, in the county of Menominee, and State of Michigan, now included within the limits of the township of Menominee aforesaid, be and the same is hereby taken from the said township of Menominee, and added to the township of Stephenson aforesaid.

Moved by Supervisor Place, that the report of the committee be received and their recommendations adopted.

Supervisor Oberdorffer offered an amendment to said motion in the shape of a minority report, hereinafter set forth, protesting against the erection of said new township aforesaid.

Said amendment was lost by ayes and nays as follows:

Ayes—Mellen, Harter, Oberdorffer, Opsahl, Place, Gauch, Crawford—7.

Nays—F. H. Fowler, C. F. Fowler, Smith, Radford, Rubens, Walton, James, Trestrail, Carey and Haggerson—10.

The original motion was then put and carried by ayes and nays as follows:

Ayes—Mellen, F. H. Fowler, Harter, C. F. Fowler, Smith, Rubens, Walton, James, Trestrail, Carey and Haggerson—11.

Nays—Radford, Oberdorffer, Opsahl, Place, Gauch, Crawford—6.

Minority report, an amendment to the foregoing resolution:

The undersigned committee having the matter under consideration, do not concur in the report to organize a new township out of the territory mentioned in said petition, and do hereby protest against the same, believing it to be the best interest of the residents of said township and of the township of Stephenson that the petition for the organization of the new township be denied. But do ask that the petition dated September 17, 1890, detaching the territory therein mentioned from the township of Menominee and adding same to the township of Stephenson be granted.

WM. J. OBERDORFFER.

STATE OF MICHIGAN, }
County of Menominee, } ss.

I, Henry J. Woessner, county clerk and clerk of the circuit court for the county and State aforesaid do hereby certify that

the above and foregoing is a true and correct copy of proceedings of the board of supervisors of said county as relates to the erection of the new township of Mellen and the detaching of certain territory from Menominee township and adding it to Stephenson township, as appears of record at my office. That I have compared the same with the original and it is a true transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the city of Menominee, this 6th day of January, A. D. 1891.

HENRY J. WOESSNER,

Clerk.

MENOMINEE COUNTY.

In the matter of the application of certain freeholders for the erection of a new township out of the territory now included within the limits of the townships of Breen, Spalding and Holmes, and as connected with the formation of such new township, and contingent thereon, to detach certain territory from the township of Breen and add the same to the township of Spalding.

WHEREAS, An application has been made to the board of supervisors of the county of Menominee, by A. L. Foster, A. J. Foster, B. F. Beck, David Downey, Frank Harrington, John Dempsey, John Campbell, James Radford, Frank Hopkins, Pat Lyons, Albert Beckman, John Butcher, all of whom are resident freeholders of the township of Breen; and Carl Arndt, George Johnson, William J. Mullen, Richard Underwood, Peter LaCroix, Martin Hayes, Albert Brandt, John Dunn, Edward Hitchens, William Maxwell, H. Anderson, C. C. Johnson, all of whom are resident freeholders of the township of Holmes; and by F. J. Lang, C. Augustus Ebert, Edwin P. Radford, A. Haberman, James Kent, G. H. Haggerson, Peter Peterson, Nicholas Peterson, John C. Thurston, Paul Perket, Henry Hansen, W. H. Gilligan and John McIlroy, all of whom are resident freeholders of the township of Spalding, praying for the erection of a new township out of the following territory, viz.:

Surveyed township thirty-nine (39) north, of range twenty-seven (27) west; surveyed township thirty-nine (39) north, of range twenty-eight (28) west; and the west half of the surveyed township forty (40) north, of range twenty-seven (27) west, now included within the limits of the township of Breen; also east half of surveyed township thirty-eight (38) north, of range twenty-seven (27) west, now included within the limits of the township of Spalding; and the west half of surveyed township thirty-eight (38) north, of range twenty-seven (27) west, now included within the limits of the township of Holmes.

AND WHEREAS, Said application contains the further prayer on the part of the said petitioners of the township of Breen and

Spalding, as connected with the formation of such new township and as contingent thereon, that the east half of surveyed township forty (40) north, of range twenty-seven (27) west, may be detached from the township of Breen, and added to the township of Spalding.

And said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by the proof that notices in writing of such intended application signed by at least twelve freeholders of the townships to be affected thereby, have been posted up and published in the manner and for and during the time required by law, and the matter of said application having been duly considered by the board.

Thereupon it is hereby ordered and enacted by said board, That the territory described as follows, to wit:

Surveyed township thirty-nine (39) north, of range twenty-seven (27) west; surveyed township thirty-nine (39) north, of range twenty-eight (28) west, and the west half of the surveyed township forty (40) north, of range twenty-seven (27) west, now included within the limits of the township of Breen; also east half of surveyed township thirty-eight (38) north, of range twenty-seven (27) west, now included within the limits of the township of Spalding; and the west half of surveyed township thirty-eight (38) north, of range twenty-seven (27) west, now included within the limits of the township of Holmes, be and the same hereby is erected into a township to be called and known by the name of Meyer.

Organization
of Meyer
township.
Territory
detached from
Breen and added
to Spalding.

And it is further ordered and enacted by said board, That the east half of surveyed township forty (40) north, of range twenty-seven (27) west, be detached from the township of Breen and added to the township of Spalding.

The first annual township meeting in the new township hereby erected shall be held at the school-house in the village of Hermansville on the first Monday of April next, and J. F. Lang, E. P. Radford and S. P. Saxton, three electors of said township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting.

STATE OF MICHIGAN, }
County of Menominee, } ss.

I, Charles Line, clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board, February twenty-seventh, eighteen hundred and ninety, with the original now of record in my office, and that it is a true transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county,
at the city of Menominee this 1st day of April,
one thousand eight hundred and ninety.

CHARLES LINE,
County Clerk.

SAGINAW COUNTY.

In the matter of the application of certain freeholders for detaching certain territory from the township of Zilwaukie and attaching the same to the township of Buena Vista.

STATE OF MICHIGAN, }
County of Saginaw, } ss.

I, B. Griffin, clerk of said county and clerk of the circuit court thereof do hereby certify that the foregoing is a copy of the records of the board of supervisors for county of Saginaw and State of Michigan during its October session A. D. 1866, in so far as it relates to the detaching of sections 35 and 36 town 13 N., R. 5 E., and attaching said sections to town 12 N., R. 5 E. That I have carefully compared the said copy with the original supervisors, record on file and of record in my office, and that it is a correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the city of Saginaw [L. s.] this 13th day of March, A. D. 1891.

B. GRIFFIN,
Clerk.

COURT HOUSE, CITY OF SAGINAW, }
Monday, October 6th, 1866. }

At the annual meeting of the board of supervisors of Saginaw county, commenced and held at the city of Saginaw this day in accordance with the statute in such case made and provided. The board was called to order by Peter Lane, Esq., chairman, present, etc.

Petition of Jacob Wright and many others to detach sections 35 and 36, T. 13 N., R. 5 E., from the township of Zilwaukie and attach the same to the township of Buena Vista was presented and on motion referred to the committee on towns.

COURT HOUSE, CITY OF SAGINAW, }
Wednesday, October 10th, 1866. }

Third day of the session of the board of supervisors. Board met pursuant to adjournment, etc., etc.

Mr. Lytle, chairman of committee on towns, to whom was referred the petition of Jacob Wright and others to detach secs. 35 and 36 of town 13 N., R. 5 E., from the township of Zilwaukie and attach the same to the township of Buena Vista, reported back said petition and recommended that the prayer of the petitioners be granted.

Report accepted and adopted and thereupon on motion of Mr. Alberti,

Resolved, That the sections No. 35 and thirty-six (36) of T. 13 N., R. 5 E., being a part of the township of Zilwaukie, is hereby detached from said township and attached to the township of Buena Vista. This to take effect ten days previous to

Territory
detached from
Zilwaukie
and added to
Buena Vista.

the next annual township meeting. Which resolution was adopted by the following vote, being a majority of all the members of the board:

Ayes—Messrs. Alberti, Allardt, Backham, Barnard, Barnum, Brockway, Crane, Dayton, Deland, Dobson, Farnsworth, Fischer, Gilbert, Haack, Lytle, Munger, Pettibone, Plessner, Porter, Richardson, Schafer, Thorpe, Walter, Wilbur, Wright.

The board then adjourned to 9 o'clock tomorrow morning.

PETER LANE,
Chairman.

H. B. FERRIS,
Clerk of the Board.

SAGINAW COUNTY.

In the matter relative to the detaching of certain territory from Zilwaukie township and attaching the same to the township of Buena Vista.

COURT HOUSE,
Saginaw, Mich., Jan. 16, 1891. }

Fifth day of the adjourned session of the board of supervisors of Saginaw county Michigan.

The board met pursuant to adjournment. Hon. John W. Messner in the chair.

Roll called. Quorum present.

Minutes of previous meeting read, approved and signed.

Sup. Holden chairman of committee on judiciary submitted the following report:

To the Honorable, the Board of Supervisors of Saginaw County, Michigan:

GENTLEMEN—Your judiciary committee report the following resolution and recommend its adoption in furtherance of the matter adopted yesterday, relative to detaching certain territory from Zilwaukie and attaching same to Buena Vista.

Respectfully,

JAMES W. GRAHAM,
VICTOR V. ROTTIERS,
LAWSON C. HOLDEN,
L. W. HAINES,
CHRIS FEAHR.

Territory
detached from
Zilwaukie
and added to
Buena Vista.

Resolved by the Board of Supervisors of Saginaw County, Michigan, That the township of Zilwaukie in said county be and it is hereby divided and altered in its boundaries by detaching therefrom sections twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), thirty-four (34), in town thirteen (13) north, range five (5) east, and that said sections so detached from said township of Zilwaukie by the division of said township and

the alterations of the boundaries thereof be and they are hereby attached to the township of Buena Vista in said county, that they form a part thereof and that the boundaries of said township of Buena Vista be and they are hereby changed so as to embrace and include therein said sections above enumerated.

Report received and recommendation adopted by the following vote:

Ayes—Agnew, Bennett, Blankerts, Brown, Davenport, Deibel, Eggers, Ellis, Galloway, Geiber, Graham, Haines, Hyman, Holden, Housner, Leidleim, LaVeck, McGugan, McLeod, McNally, McPhillips, Marrion, Morrison, Moulton, Murphy, Rummel, Root, Rottiers, Schlickum, Schwartz, Sowwatzky, Stoker, Wallace, Weal, Webb, Wegst—36.

Nays—Harris, Jewett—2.

By Sup. McGugan that the board adjourn until tomorrow at 9:30 o'clock. Carried.

JOHN W. MESSNER,
Chairman.

B. GRIFFIN,
Clerk.

STATE OF MICHIGAN, } ss.
County of Saginaw. }

I, B. Griffin, clerk of said county and of the circuit court thereof do hereby certify that the foregoing is a copy of the proceedings of the board of supervisors of the county of Saginaw on the fifth day of its adjourned session in the month of January, A. D. 1891, in so far as it relates to the detaching certain territory from the township of Zilwaukie, county of Saginaw, and attaching same to township of Buena Vista, in said county and State, that I have carefully compared the said copy with the original copy on file and of record in my office, and that it is a correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the city of Saginaw

[L. s.] this 4th day of March, A. D. 1891.

B. GRIFFIN,
Clerk.

SCHOOLCRAFT COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Inwood.

At the annual meeting of the board of supervisors for Schoolcraft county, continued and held at the clerk's office in the court house in the village of Manistique, in said county, on Wednesday, the 15th day of October, A. D. 1890, at 9 o'clock a. m.

The meeting was called to order by the chairman. Present: Messrs. Hill, Quick, Ashford, Hubbell, Tighe, Chisholm and McCarthy.

AFTERNOON SESSION.

The board met as per adjournment, at 1:30 o'clock p. m.

Meeting called to order by the chairman. Full board in attendance.

The following preamble and resolution was offered by Supervisor Tighe:

ORGANIZATION OF INWOOD TOWNSHIP.

In the matter of the application of John F. Black, Thomas O'Brien, John Michand, Geo. Bishop, Samuel Marks, D. J. McGinnis, Pat Lynett, George Powell, Geo. W. Gray, Norman McDonald, David Speilmacher, F. D. Maxwell, Gilbert Olson, Wm. Congdon, Maurice O'Brien, Joseph Kobler, Peter Archambo, and Paul Hubscher, eighteen resident freeholders of the township of Thompson for the erection of a new township.

WHEREAS, An application signed by eighteen resident freeholders, of the township of Thompson, in this county, has been presented to this board, asking that the following described territory, to wit: All of the townships numbered 41, 42, 43 and 44 north, of range 17 west, and townships numbered 44 and 45 north, of range 18 west, be detached from the said township of Thompson and erected and organized into a new township to be known and designated as the township of Inwood; which application is accompanied by a map of all the townships to be affected by the division showing the proposed alteration. And it appearing by due proof to the satisfaction of this board, that notice of the presentation of the said application at this time and place has been posted and published in the manner required by law, and after due deliberation on it being deemed expedient that said application should be granted.

WHEREFORE, The board of supervisors of the county of Schoolcraft do hereby order and determine, and do hereby ordain that the said township of Thompson be and the same is hereby divided by detaching therefrom the territory above designated, and that the said territory so detached, to wit: All of townships numbered forty-one (41), forty-two (42), forty-three (43), and forty-four (44) north, of range seventeen (17) west, and townships numbered forty-four (44) and forty-five (45) north, of range eighteen (18) west, be and the same is hereby erected into a new township to be known and designated as the township of Inwood. That the first township meeting held therein shall be held in the vicinity of Cooks, Mich. on the first Monday of April A. D. 1891, and that Edward A. Tighe, Norman McDonald and Geo. W. Gray, three electors

Inwood
township
organized.

of said township be and they are hereby designated as the persons whose duty it shall be to preside at such election and township meeting, to appoint a clerk, open and keep the polls, and to exercise the same power as the inspectors of election may exercise under the laws of this State; that the chairman and clerk of this board be authorized to sign notices thereof to be delivered to an elector of said township of Inwood to be posted in the manner required by law.

Adopted by yeas and nays, a majority of all the members of said board voting therefor, to wit:

Yeas—Supervisors Tighe, Ashford, Hill, McCarthy, Chisholm and president Quick.

Nays—Supervisor Hubbell.

STATE OF MICHIGAN, }
Schoolcraft County. } ss.

I, John Costello, county clerk of said county which is a court of record, do hereby certify that I have compared the foregoing copy of organization of the tp. of Inwood with the original record thereof now remaining in the office of the county clerk of said county and have found the same to be a correct transcript therefrom and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Manistique this
[L. S.] 20th February A. D. 1891.

JOHN COSTELLO,
Clerk.

ST. CLAIR COUNTY.

In the matter of the application of certain freeholders for the detaching of certain territory from the township of Fort Gratiot and attaching the same to the township of Port Huron.

STATE OF MICHIGAN, }
County of St. Clair. } ss.

I, Michael Reid, county clerk of the county of St. Clair, and clerk of the board of supervisors of said county, do hereby certify as follows to wit:

That at a meeting of said board held at the city of Port Huron (that being the county seat of said county) on the 16th day of October, A. D. 1891, a petition duly signed in accordance with the statute, was presented to said board asking the board to change the boundary lines between the townships of Port Huron and Fort Gratiot.

That accompanying said petition there was filed in my office due proof of the posting of said notices as required by law and on the presentation of said petition to the said board of

supervisors, it was referred to the committee on erection and division of townships.

I further certify that a map was filed of the townships of Fort Gratiot and Port Huron of said county showing the location of property in the two townships, and the territory affected by the proposed change.

I further certify that at a session of said board held on the 16th day of October, A. D. 1891, the said committee reported in favor of the proposed change in the boundary line between said townships as requested by said petition, and the report of said committee was adopted by the said board and the following change was made in the boundaries between said townships, by resolution passed by said board appearing now of record on the original minutes of the proceedings of said board kept in my office as follows, to wit:

Territory
detached from
Fort Gratiot
and added to
Port Huron.

Commencing at a point where the present boundary line between said townships intersect the center of Black river; thence up stream along the center of said river to a point where the quarter section line running east and west through sections thirty-one (31) and thirty-two (32) intersects said river, thence west along said quarter section line to a point where said line intersects the Beach Road; thence south along said road to a point where said road is intersected by the river road; thence northwesterly along said road to a point where said road intersects the quarter section line running east and west through the quarter section line running east and west through section thirty-one (31); thence west along said quarter section line to the western boundary of said township of Fort Gratiot, thence south along said western boundary between the townships of Fort Gratiot and Clyde to the southwest corner of said township of Fort Gratiot, so that all territory lying southerly of the aforesaid lines shall be detached from the township of Fort Gratiot, and attached to and made a part of the township of Port Huron.

I further certify that the change in the boundary as made by the proceedings adopted by said board fully appear and are shown on the map attached hereto, which is a copy of the map filed with said board and accompanying said petition asking for the proposed change.

I further certify that the vote upon the adoption of the proposed change of the boundary lines between the said townships was a "yea" and "nay" vote—twenty-six supervisors voting "yea" and eight supervisors voting "nay."

I further certify that the foregoing is a substantial statement of all the proceedings taken by said board of Supervisors upon the aforesaid petition.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at the city of Port
[L. S.] Huron, this 23d day of November, A. D. 1891.

MICHAEL REID,
County Clerk.

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